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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT –THIRD SESSION

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

REPORT ON THE CONSIDERATION OF THE NATIONAL COHESION AND
INTEGRATION BILL, 2023

(NATIONAL ASSEMBLY BILLS NO. 74 OF 2023)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 19 SEP 2024	
DAY: THURSDAY	
TABLED BY:	HON. JUSUF HASI, MP CHAIRPERSON COMMITTEE ON NATIONAL COHESION & EQUAL OPPORTUNITY
CLERK-AT THE TABLE:	VIVIAN WAMBUI

DIRECTORATE OF AUDIT, APPROPRIATION

AND GENERAL-PURPOSE COMMITTEES

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LIST OF ABBREVIATIONS AND ACRONYMS

EOP	Executive Office of the President
JSC	Judicial Service Commission
NCIC	National Cohesion and Integration Commission
NGEC	National Gender and Equality Commission
NPSC	National Police Service Commission
OAG	Office of the Attorney General
PWD	Persons With Disabilities

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CHAIRPERSON'S FOREWORD

This report contains proceedings of the Committee on National Cohesion and Equal Opportunity on its consideration of the National Cohesion and Integration Bill, 2023 (National Assembly Bill No. 74 of 2023). The Bill was published on 30th November, 2023 and read for a First Time on 20th March 2024. The Bill was thereafter committed to the Committee on National Cohesion and Equal Opportunity for consideration and reporting to the House pursuant to Standing Order 127.

The Bill has ninety clauses and three schedules and seeks to repeal and replace the National Cohesion and Integration Act, 2008 to align its provisions with the present constitutional dispensation and structure of government by giving effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee placed advertisements in the print media on 23rd March, 2024, inviting the public and stakeholders to submit written memoranda on the Bill on or before 5th April, 2024. The Committee received memoranda from various stakeholders including the National Cohesion and Integration Commission (NCIC), the National Gender and Equality Commission (NGEC), Office of the Director of Public Prosecution and the Office of the Attorney-General.

Further, the Committee held public hearings in Kisumu, Kakamega, Lamu, Mombasa, Kwale, Garissa, Nyeri, Kirinyaga, Murangá, Makeni, Nandi, Uasin Gishu and Homa bay counties between 3rd and 8th June, 2024, to collect views from the public on the Bill.

The committee has agreed with stakeholders in Clause 47 to broaden the definition of “hate speech” to encompass coded language and the vilification of others. A person who uses threatening, abusive, insulting, or vilifying words or behavior, displays any written material, or disseminates any ideas based on ethnic superiority, or uses coded language, acts, or makes gestures depicting ethnic hatred is said to have committed hate speech.

The Committee agrees with stakeholders in Clause 47 to expand the definition of “hate speech” to include coded language and vilification of others. A person who uses threatening, abusive, insulting, vilifying words or behaviour, displays any written material or disseminates any ideas

based on ethnic superiority or uses coded language, acts or makes gestures depicting ethnic hatred is said to commit hate speech.

The Committee recognizes the importance of integrating peacebuilding into the Bill. As a result, the Committee endorses amending Clause 5 to include the following functions of the Commission: creating a monitoring and tracking system for all peacebuilding projects in the country, establishing ethical standards for individuals involved in peacebuilding projects, and urging national and county governments to allocate funds for peacebuilding initiatives.

In relation to actions by the Commission after an inquiry, the Committee is in agreement with stakeholders that under clause 69 of the Bill, where an inquiry discloses a criminal offence, it authorizes the Commission to refer the matter to the Office of the Director of Public Prosecution or any other relevant authority.

Regarding actions by the Commission following an inquiry, the Committee agrees with stakeholders that according to clause 69 of the Bill, if an inquiry reveals a criminal offense, it allows the Commission to refer the matter to the Office of the Director of Public Prosecutions or any other relevant authority.

A proposal was made by stakeholders to have male representatives elected for a county, in addition to having women representatives. However, the committee did not adopt this proposal. This is because the women's representative seat is part of broader affirmative action initiatives in the Constitution, which aim to promote women's involvement in decision-making at all levels of government. The women's representative seat provides a direct path to political leadership at the county level, complementing other efforts to increase women's participation in political processes.

The Committee extends its sincere gratitude to the Office of the Speaker of the National Assembly and the Clerk of the National Assembly for their invaluable logistical and technical support throughout its sittings. Their assistance facilitated the Committee's deliberations and ensured the smooth progress of its work. The Committee, in a special way, acknowledges and appreciates the participation of all stakeholders and members of the public who diligently submitted their comments on the Bill. Their insights and contributions have enriched the Committee's understanding of the various perspectives on the proposed measures. Further, I wish to express my heartfelt appreciation to the Honourable Members of the Committee and the dedicated Committee

Secretariat whose commitment, expertise and collaborative efforts were instrumental in preparing and producing this report.



**HON. YUSSUF ADAN HAJI, MP.
CHAIRPERSON, COMMITTEE ON NATIONAL COHESION AND EQUAL
OPPORTUNITY**

ACKNOWLEDGMENT

The Committee extends its sincere gratitude to the Office of the Speaker of the National Assembly and the Clerk of the National Assembly for their invaluable logistical and technical support throughout its sittings. Their assistance facilitated the Committee's deliberations and ensured the smooth progress of its work.

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Further, the Committee wishes to express its heartfelt appreciation to the Honourable Members of the Committee and the dedicated Committee Secretariat whose commitment, expertise and collaborative efforts were instrumental in preparing and producing this report. I particularly commend the Secretariat for their diligent work that enabled the Committee to fulfill its constitutional mandate by providing a thorough analysis of the National Cohesion and Integration Bill, 2023 (National Assembly Bill No. 74 of 2023) to the Committee.

On behalf of the Committee on National Cohesion and Equal Opportunity and pursuant to Standing Order 199 (6), it is my pleasure to report that the Committee has considered the National Cohesion and Integration Bill, 2023 (National Assembly Bills No.74 of 2023) and has the honour to report back to the National Assembly with the recommendation that the Bill be **approved with amendments as reported by the Committee.**

PART ONE

1.0 PREFACE

1.1 Establishment and Mandate of the Committee

1. The Committee on National Cohesion and Equal Opportunity is established under the Standing Order 212C of the National Assembly.
2. The mandate of the Committee is as follows—
 - (a) To monitor and promote measures relating to policy and program initiatives in pursuit of peace and national cohesion;
 - (b) To investigate, inquire into and report on all matters relating to inter community cohesion;
 - (c) To monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground;
 - (d) To investigate, inquire into and report on all matters relating to discrimination and or marginalization of persons referred to under sub-paragraph(c);
 - (e) To make proposals to Parliament including legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub-paragraph (c); and
 - (f) To examine the activities and administration of all state departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under sub-paragraph (c).

1.2 Committee Membership

The Select Committee on National Cohesion and Equal Opportunity comprises of the following Members—

	Name	Constituency	Party
1.	Hon. Yussuf Adan Haji, DSM, MP. (Chairperson)	Mandera West	United Democratic Movement (UDM)
2.	Hon. Liza Chelule Chepkorir, MP. (Vice-Chairperson)	Nakuru (CWR)	United Democratic Alliance (UDA)
3.	Hon. Yusuf Hassan Abdi, MP.	Kamukunji	Jubilee Party (JP)
4.	Hon. Charles Kamuren, MP.	Baringo South	United Democratic Alliance (UDA)
5.	Hon. Charles Ong'ondo Were, MP.	Kasipul	Orange Democratic Movement (ODM)
6.	Hon. Edward Oku Kaunya, MP.	Teso North	Orange Democratic Movement (ODM)
7.	Hon. Joseph Samal Lomwa, MP.	Isiolo North	Jubilee Party (JP)
8.	Hon. Martin Peters Owino, MPH, MP.	Ndhiwa	Orange Democratic Movement (ODM)
9.	Hon. Eng. Paul Nzengu, MP.	Mwingi North	Wiper Democratic Movement Kenya (WDM-K)
10.	Hon. Agnes Mantaine Pareyio, MP.	Narok North	Jubilee Party (JP)
11.	Hon. Duncan Maina Mathenge, MP.	Nyeri Town	United Democratic Alliance (UDA)
12.	Hon. Fredrick Lusuli Ikana, MP.	Shinyalu	ANC Party
13.	Hon. Irene Nyakerario Mayaka, MP.	Nominated	Orange Democratic Movement (ODM)
14.	Hon. Jane Wangechi Kagiri, MP.	Laikipia (CWR)	United Democratic Alliance (UDA)
15.	Hon. Joseph Hamisi Denar, MP.	Nominated	ANC Party
16.	Hon. Joseph Iraya Wainaina, MP.	Nominated	United Democratic Alliance (UDA)
17.	Hon. Mary Maingi, MP.	Mwea	United Democratic Alliance (UDA)
18.	Hon. Monicah Muthoni Marubu, MP.	Lamu (CWR)	Independent
19.	Hon. Onesmus Ngogoyo Nguro, MP.	Kajiado North	United Democratic Alliance (UDA)

	Name	Constituency	Party
20.	Hon. Teresia Wanjiru Mwangi, MP.	Nominated	United Democratic Alliance (UDA)

1.3 Committee Secretariat

The secretariat supporting the Committee is comprised of the following officers-

Ms. Naserian Lotuai

Clerk Assistant I

Ms. Kathleen Nanzala

Clerk Assistant III

Mr. Alex Amwata

Hansard Reporter

Ms. Audrey Andala

Legal Counsel II

Mr. Peter Atsiaya

Media Relations Officer

Ms. Joanne Naneu

Research Officer III

Ms. Lilian Aluga

Public Communications Officer

Mr. John Ng'anga

Audio Officer

Mr. Luka Mutua

Sergeant-at-Arms

PART TWO

2.0 OVERVIEW OF THE NATIONAL COHESION AND INTEGRATION BILL, 2023 (NATIONAL ASSEMBLY BILLS NO. 74 OF 2023)

2.1 Introduction

3. The **National Cohesion and Integration Bill, 2023** is a Bill sponsored by the **Chairperson of the Committee on National Cohesion and Equal Opportunity, Hon. Adan Haji Yusuf, MP.**
4. The objective of the Bill is to repeal and replace the National Cohesion and Integration Act, 2008 to align its provisions with the present constitutional dispensation and structure of government by giving effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination.
5. The Bill underwent **first reading on 20th March, 2024** and was committed to the Committee on National Cohesion and Equal Opportunity for purposes of conducting public participation pursuant to Article 118 of the Constitution and Standing Order 127 of the National Assembly.

1.2 Salient Clauses of The National Cohesion and Integration Bill, 2023

2. **Clause 3** of the Bill consist of the objectives of the Act which is to give effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination. It further seeks to provide a framework for the promotion of national cohesion, unity and peace-building.
3. **Clause 4** of the Bill provides for the establishment of the National Cohesion and Integration Commission comprising of a chairperson and eight other members nominated by the President for appointment and approved by the National Assembly.
4. **Clause 5** outlines the functions of the National Cohesion and Integration Commission which is to develop policies for the promotion of national values and principles of governance. This is in addition to formulation and implementation of strategies, plans, educational and training programmes to create public awareness and support on the importance of national unity. Further, the Commission is mandated to establish early warning and early response system on

conflict and put in place an emergency preparedness and response system to curb imminent conflict.

5. **Clause 10** stipulates for the headquarters of the Commission to be in Nairobi but mandates the Commission to establish nine regional offices in the country. It mandates the Commission to ensure that its services are accessible to all parts of the country and to establish branches in each county.
6. **Clause 12** of the Bill provides for the qualifications of and disqualification for appointment as a chairperson and member of the Commission. It requires that a person be a citizen of Kenya, hold a degree from a university recognized in Kenya, have knowledge and at least 10 years of experience for the Chairperson and 2 years for the members in matters relating to race, ethnic and human relations, public affairs and human rights, peace and security and meet the requirements of Chapter Six of the Constitution.
7. **Clause 15** of the Bill provides for a term of office of the Chairperson and members, which is three years with a possibility of reappointment for one further term.
8. **Clause 17** of the Bill provides for the procedure of removal from office of a commissioner. This is by a person presenting a petition to the President through the Cabinet Secretary, who shall then forward the Petition to the relevant Committee of the National Assembly within seven days. The Committee is to inquire into the matter report on the facts to the President through the Cabinet Secretary, giving its recommendations as to whether the Commissioner ought to be removed or not.
9. **Clause 38** of the Bill addresses ethnic discrimination. It defines instances where a person may be considered to have discriminated against another, either directly or indirectly. This can occur if a person treats another person less favorably on ethnic grounds than they would treat someone else. It also applies if a person imposes a requirement or condition on another person that would not be justifiable, regardless of the person's color, race, nationality, or ethnic or national origins, and this requirement or condition cannot be met by that person.
10. **Clause 39** of the Bill makes provision for discrimination through victimization, which occurs when a person carries out an act that is injurious to the well-being and esteem of that person by treating that person less favourably than other persons on grounds that the person discriminated against intends to or has brought proceedings under the Act, given evidence or information in

connection with proceedings under the Act, alleged that a person has committed an act which would amount to contravention of the Act or done anything under the Act in relation to any person.

11. **Clause 40** of the Bill makes provision for harassment on the basis of ethnicity which occurs where a person engages in unwanted conduct which has the purpose or effect of violating that other person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person.
12. **Clause 41** of the **Bill provides for discrimination in employment**. It requires every public entity to ensure representation of the diversity of the people of Kenya in the employment of staff and to afford adequate and equal opportunities for appointment, training and promotion at all levels of public service to members of all ethnic groups. It bars a public entity from recruiting or having in its employment **more than one fifth** of its staff from the same ethnic community. It further prohibits an employer or potential employer or their representatives from discriminating against another person in arrangements made for the purpose of determining who should be offered the employment and in the terms the employer offers employment.
13. **Clause 42** of the Bill provides for exceptions in discrimination in employment and proposes that it shall not be deemed discriminatory where the job involves cultural entertainment in a capacity for which a person of that ethnic group is required for reasons of authenticity, the job involves a work of art, visual image or sequence of visual images for which a person of that ethnic group is required for reasons of authenticity or the holder of the job provides for a person of that ethnic group with personal services promoting their welfare and those services can most effectively be provided by a person of that ethnic group.
14. **Clause 43** of the Bill provides for discrimination in the membership of an organisation. It prohibits an official, member, employee, assign or representative of a registered organisation from discriminating against a person who is not a member in the terms in which it is prepared to admit the person to membership or by refusing or deliberately omitting to accept the person's application for membership. It also makes it unlawful for a membership organisation to subject to harassment a member or a person applying for membership on the grounds of ethnicity.
15. **Clause 44** of the Bill provides for discrimination by other agencies. It prohibits a public or private entity from discriminating against any person in the provision of its services. However,

this does not apply where it is proven that the alleged discriminatory act is a necessary requirement in the nature of business transaction and that there is no alternative way of realising the desired goal.

16. **Clause 45** of the Bill makes provisions for discrimination in access to and distribution of resources. It mandates that public resources shall as far as practicable, be distributed equitably and geographically considering Kenya's diversity, population and poverty index.
17. **Clause 46** of the Bill provides for discrimination in property ownership, management and disposal. It defines a manager as a person who has power to control, lease, let or dispose of public property or property that is wholly meant for use by the public. It makes it unlawful for a manager to discriminate against another person in the terms such a manager offers, lets, manages or disposes the property to another person.
18. **Clause 47** of the Bill provides for racial or ethnic contempt. It provides for actions that amount to ethnic contempt and makes it an offence if the person intends to stir up ethnic hatred, or having regard to all other circumstances, ethnic hatred is likely to be stirred up. These actions are where a person uses threatening, abusive or insulting words or behaviour or displays any written material, publishes, posts or distributes material in print, electronic or social media, presents or directs the performance of a play to the public, distributes, shows or plays a recording of visual images or provides, produces or directs a programme, which is threatening, abusive or uses insulting words or behaviour.
19. **Clause 48** of the Bill provides for exceptions to discrimination. The Bill does not consider unlawful an act done to afford a person of a particular ethnic group access to facilities or services to meet the special needs of such a person in regard to their education, training or welfare or other ancillary benefits or on grounds other than race, ethnic or national origin for the benefit of a person who is not a Kenyan citizen to afford that person access to the facilities for education or training or other ancillary benefits, where it appears that the person in question does not intend to remain in Kenya after the period of education or training.
20. **Clause 50** of the Bill provides for persons who may make complaints to the Commission. They are a person acting in their own interest, a person acting on behalf of another person who cannot act in their own name, a person acting as a member of a group or class of persons, a person acting in the public interest or an association acting in the interest of one or more of its members.

Further a complaint may be made by or against an individual, a body of persons whether corporate or unincorporated, a public or private organisation, the Government or a specific body or officer of the government.

21. **Clause 51** of the Bill provides for the manner of lodging a complaint, which may be orally or in writing. Where a complaint is made orally, the Bill mandates the Commission to cause the complaint to be reduced into writing. The complaint is to be in such a form.
22. **Clause 52** of the Bill provides for complaints not to be entertained by the Commission. It empowers the Commission to decline to entertain a complaint if it considers that a complaint is frivolous, vexatious, misconceived or lacking in substance, involves a subject matter that would be more appropriately dealt with by a court or involves a subject matter that has been adequately dealt with by the Court.
23. **Clause 53** of the Bill provides for an application to strike out a complaint. The Respondent may apply in writing to the Commission to have a complaint or any part of it struck out on the grounds that it is frivolous, vexatious, misconceived or lacking in substance.
24. **Clause 54** of the Bill provides for dismissal of stale complaint. It authorises the Commission to dismiss a complaint and notify the complainant if the Commission has had no substantive response from the complainant in the period of twelve months following a request by the Commission for a response in relation to the complaint.
25. **Clause 55** of the Bill provides for referral of matters to the Commission by the Cabinet Secretary, if the Cabinet Secretary considers that the matter raises an issue of important public policy, whether or not a complaint has been lodged or the Commission has considered the complaint or the complaint is in the process of conciliation.
26. **Clause 56** of the Bill provides for alternative dispute resolution mechanisms. It gives the Commission power to establish *ad hoc* or standing peace committees comprising representatives of affected ethnic groups and experts where necessary, power to establish mediation committees and power to involve traditional justice mechanisms relevant to a particular community, local administration and relevant national and county government agencies in managing conflicts and resolving disputes where it deems appropriate.
27. **Clause 57** of the Bill gives the Commission the power to refer complaints for conciliation.

28. **Clause 58** of the Bill provides for conciliation by the Commission. It mandates the Commission to make all reasonable endeavors to conciliate a complaint referred to it under clause 57 and by written notice require any person to attend before the Commission for the purpose of discussing the subject matter of the Complaint or to produce any documents specified in the notice.
29. **Clause 59** of the Bill provides for conciliation agreements. It requires after the satisfactory determination of the conciliation, the conciliator to cause both parties to sign the settlement agreement which shall be final and binding on the parties and enforceable as if it were a decision of the Commission
30. **Clause 60** of the Bill provides for where conciliation fails. It requires the Commission to set down a complaint for determination and issue a date on which a matter is to be heard where the conciliation fails or the parties or either of them objects to any conciliation efforts
31. **Clause 61** of the Bill provides for special references. It requires the Commission in exercising its powers to pay particular attention to and expedite the disposal of special references.
32. **Clause 62** of the Bill provides for matters the compliance notices issued under clause 69 of the Bill contain. The notices require the person concerned to comply with a duty specified in the notice and to inform the Commission, within thirty days of the date on which the notice is served of the steps that the person has taken, or is taking to comply with the duty specified in the notice.
33. **Clause 63** of the Bill provides for enforcement of compliance notices. It authorises the Commission to apply to the High Court for an order requiring a person to furnish any information required by the compliance notice if the person fails to furnish the information to the Commission in accordance with the notice or the Commission has reasonable cause to believe that the person does not intend to furnish the information.
34. **Clause 64** of the Bill provides for a prohibition notice. It authorises the Commission to issue a prohibition notice directing a person or entity involved in an action or conduct contrary to national cohesion, integration and peace building to cease such action or conduct within seven days.
35. **Clause 65** of the Bill provides for investigations by the Commission. It authorizes the Commission to conduct investigations pertaining to an inquiry and employ the services of a public officer or investigation agency of the government at the Commission's expense.

36. **Clause 66** of the Bill provides for a notice of discontinuation of investigations. If the Commission decides to discontinue the investigation of a complaint, the Commission is to inform the Complainant in writing of that decision and the reasons for that decision within thirty days of making the decision.
37. **Clause 67** of the Bill provides for notice of investigation to an organization. Before commencing investigations under the Act, the Commission is required to give notice of the intended investigation to the administrative head of a state organ, public office or organization.
38. **Clause 68** of the Bill provides for the requirement that a person likely to be prejudiced or affected to be heard at any stage of an inquiry by the Commission.
39. **Clause 69** of the Bill provides for action by the Commission after an inquiry. Where an inquiry discloses a criminal offence, it authorizes the Commission to refer the matter to the Office of the Director of Public Prosecution or any other relevant authority.
40. **Clause 70** of the Bill provides for reports to an organisation and requires that after concluding an investigation or an inquiry under the Act, the Commission should make a report to the state organ, public office or organisation to which the investigation relates. The matters to be included in the report are the findings of the investigation and any recommendations made by the Commission, the action the Commission considers should be taken and the reasons for the action and any recommendations the Commission considers appropriate.
41. **Clause 71** of the Bill provides for hearings of the Commission during an inquiry, which are to be open to the public except where the Commission for a justifiable reason decides otherwise.
42. **Clause 72** of the Bill provides for offences under the Act. It creates five offences.
43. **Clause 73** of the Bill provides for offences by a body of persons. Where the body of persons is a body corporate, every director of that body corporate shall also be deemed to be guilty of that offence and where that body of persons is a firm, every partner of the firm shall be deemed to be guilty of the offence.
44. **Clause 74** of the Bill provides for the code of conduct for the members and staff of the Commission. It requires the staff and members of the Commission to keep and maintain professional and ethical standards and to adhere to and comply with the Commission's Code of Conduct.
45. **Clause 75** of the Bill provides that the Act binds the Government.

46. **Clause 76** of the Bill provides for legal proceedings against the Commission. It provides for the deeming of proceedings against the Commission as proceedings against the Government and therefore subject to the Government Proceedings Act, Cap. 40.
47. **Clause 77** of the Bill provides for confidentiality of information. It bars any person from either directly or indirectly disclosing, communicating or making a record of any information obtained during the performance of their functions or duties under the Act, unless it is necessary to do so for the purpose of or in connection with the performance of a function or duty or the exercise of power under the Act or any other written law.
48. **Clause 78** of the Bill provides for protection of witnesses and information. It removes personal liability from a person who lodges a complaint or produces a document or evidence to the Commission for any loss, damage or injury suffered by another person by reason only of the lodging of the complaint or the production or giving of the document, information or evidence.
49. **Clause 79** of the Bill provides for statements made by persons to the Commission, and precludes a person from civil or criminal liability for statements made in the course of giving evidence before the Commission, except where such statement is false.
50. **Clause 80** of the Bill provides for offences by members of staff. These are, causing anything to be done through another person that would constitute contravention of the Act if done by him or her or allowing or directing a person under their supervision or control to do anything that is in contravention of the Act.
51. **Clause 81** of the Bill provides for reporting of improper orders. It allows a public officer or member who considers that anything required of them is in contravention of the Act or any other Act or is improper or unethical to report the matter to the Commission.
52. **Clause 82** of the Bill provides for the general penalty for offences where the penalty is not specifically provided. The penalty is a fine not exceeding one million shillings or a term of imprisonment not exceeding one year or both.
53. **Clause 83** of the Bill provides for review of the decision of the Commission. A person who is aggrieved by the decision of the Commission may apply for a review of that decision within 14 days of that decision and requires the Commission to determine and communicate its decision to the Appellant.

54. **Clause 84** of the Bill provides for regulations. It authorises the Cabinet Secretary in consultation with the Commission, to make regulations for the effective implementation of the Act.
55. **Clause 85** of the Bill repeals the National Cohesion and Integration Act, Cap. 7N.
56. **Clause 86** of the Bill provides for the meaning of the term “Former Commission” as used in the transitional provisions to mean the National Cohesion and Integration Commission established under the National Cohesion and Integration Act, Cap. 7N.
57. **Clause 87** of the Bill provides for the rights and obligations of the former Commission and deems all rights, obligations and contracts vested or imposed by the former commission to be the rights of the Commission (now established).
58. **Clause 89** of the Bill provides for the Secretary of the former Commission. It retains the person who was the Secretary of the former Commission as the Secretary of the Commission in accordance with the terms and conditions of their appointment.
59. **Clause 90** of the Bill deems the staff of the former Commission who are not under notice of dismissal or resignation as the staff of the Commission.
60. **The First Schedule** outlines the procedure for appointment of a Commissioner pursuant to Clause 11. It provides for the steps and timelines for when a vacancy occurs in the Commission. It also provides for the establishment of a selection panel consisting of seven persons and for the role of the Public Service Commission in the selection panel. It provides the timeline for advertisement of vacancies and the period for submission of applications. It provides for the publication of the names of the applicants and requires that a shortlist of 15 persons be forwarded to the President, who shall then appoint seven persons and forward the names to the National Assembly. It requires the National Assembly to consider the nominations within twenty-one days and provides the procedure for when the National Assembly approves or rejects the nominees. It also provides for gazettelement of the nominees by the President. It authorises the Selection Panel to determine its procedure and sets out the principles to be observed while making appointments to the Commission. Lastly it authorises the Cabinet Secretary to extend time for any matter for a period not exceeding 21 days.
61. **The Second Schedule** provides for the form of oath / affirmation for the Chairperson, Members and Secretary pursuant to clause 13.

62. **The Third Schedule** provides for the Conduct of Business and Affairs of the Commission pursuant to clause 21. It provides for general meetings, special meetings, quorum at meetings, who is to preside over meetings, the manner of reaching decisions, invalidity of proceedings of the Commission, the manner of authentication of the common seal of the Commission and minutes of the proceedings and meetings of the Commission.

PART THREE

3.0 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

3.1 LEGAL FRAMEWORK ON PUBLIC PARTICIPATION

63. Article 118 (1)(b) of the Constitution provides as follows—

“Parliament shall facilitate public participation and involvement in the legislative and other business of Parliament and its Committees.”

64. The National Assembly Standing Order 127 (1) (2) and (3A) stipulates that –

“(1)A Bill having been read a First Time shall stand committed to the relevant Departmental Committee without question put.

(2) Notwithstanding paragraph (1), the Assembly may resolve to commit a Bill to a select committee established for that purpose.

“(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism including- (a) inviting submission of memoranda; (b) holding public hearings; (c) consulting relevant stakeholders in a sector; and (d) consulting experts on technical subjects.

(3A). The Departmental Committee shall consider the views and recommendations of the public under paragraph (3) in its report to the House.”

3.2 STAKEHOLDER ENGAGEMENTS

65. The Committee placed an advertisement in the print media on 23rd March 2024, inviting the public to submit written memoranda on the Bill on or before 5th April, 2024 at 5:00p.m.

66. The Committee received written memoranda from the following stakeholders—

- (i) The Executive Office of the President;
- (ii) The National Cohesion and Integration Commission;
- (iii) The Office of the Attorney General;
- (iv) The National Gender and Equality Commission;
- (v) The National Police Service;
- (vi) The Judicial Service Commission; and
- (vii) The Office of the Director of Public Prosecution.

67. Further, the Committee conducted public hearings where members of the public presented their views on the Bill to the Committee. The public hearings included meetings in Kisumu,

Homabay, Kakamega, Uasin Gishu, Nandi, Mombasa, Kwale, Lamu, Nyeri, Kirinyaga and Kitui.

3.3 WRITTEN SUBMISSIONS FROM STAKEHOLDERS

The feedback received from the interactions with stakeholders provided valuable input, highlighting specific concerns and suggestions for amendments. The following are the submissions on various clauses of the Bill—

3.3.1 Submissions by the Executive Office of the President (EOP)

68. The Executive Office of the President made the following written submissions—

69. The Executive Office of the President was of the view that the Bill contained provisions which encroach on the Constitutional mandate of H.E the President under Article 132 of the Constitution of Kenya.

Committee’s Observation/Recommendation.

The Committee observed that under Article 132 of the Constitution, the President shall report, in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values referred to in Article 10. Clause 3 of the Bill seeks to give effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination. The Committee observed that there is no inherent collision between the President’s function under Article 132 and Clause 3 of the Bill that seeks to give effect to Articles 10 and 27. Instead, they are designed to work in harmony, with the Bill offering specific legislative steps and the President reporting on their progress. This aligns with the President’s broader constitutional responsibility to ensure that national values, as set out in Article 10, are upheld. The Committee therefore rejected this proposal.

Clause 3

70. The EOP submitted that the Bill cannot “give effect” to Articles 10 & 27 on only two (2) National values and principles of Governance. Instead, it should focus on promoting national values specific to the Commission’s mandate which include: national unity, inclusiveness, equality, equity and non-discrimination. They proposed the following amendment to Clause 3(a) –

3(a) promote the values under Article 10 on national unity, inclusiveness, equality, equity and non-discrimination; and Article 27 of the Constitution on national unity and non-discrimination.

Committee’s Observation/Recommendation.

The Committee observed that the Bill gives effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination. Article 10 and 27 addresses national unity, inclusiveness, equity and non-discrimination. Therefore, the Committee rejected this proposal because the Bill complements the functions under the Constitution.

Clause 5

71. It was further submitted that Clause 5 of the Bill assigns the Commission the function of developing policy, which is the function of line Ministries or State Departments and not Commissions. The Executive Office of the President proposed the deletion of Clause 5 (f) in its entirety as a function of the Commission. The functions of the National Cohesion and Integration Commission are enforcement/oversight and not policy development.

Committee’s Observation/Recommendation.

The Committee observed that a commission in Kenya can develop a policy and refer it to the relevant state department or cabinet secretary. This process is part of how commissions work within their mandates to influence broader government policy and action, the Committee therefore rejected this proposal.

72. The EOP submitted that promotion of National Values and principles of Governance is a critical constitutional mandate whose realization is one of the key functions of H.E. the President under Article 132 (1)(c) (i). Under this Article, the President is required to, once a year, report in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values, referred to in Article 10. The EOP facilitates the delivery of this mandate. As part of this mandate, the EOP is responsible for developing and coordinating its implementation (Sessional Paper No.8 of 2013 on National Values and Principles of Governance). The function of developing policy on National Cohesion and Integration is assigned to the Ministry of Interior and National Administration.

Committee’s Observation/Recommendation.

The Committee observed that the promotion of National Values and Principles of Governance is a critical constitutional mandate that involves multiple actors, including the President, commissions, and other government entities. While the President has the overarching

responsibility, various commissions also play significant roles in promoting these values within their specific mandates. The Committee therefore rejected this proposal.

73. EOP recommended a review of the proposed functions of the Commission with a view of ensuring that they do not contradict the Constitution or duplicate functions performed by other institutions. Under Articles 131, 132, 232 and 234 of the Constitution, the mandates of promotion of National Values and Principles of Governance (Article 10) and Values and Principles of the Public Service (Article 232) are clearly assigned. The Commission should focus on enforcement and not policy making.

Committee's Observation/Recommendation.

The Committee observed that a commission in Kenya can develop a policy and refer it to the relevant state department or cabinet secretary. This process is part of how commissions work within their mandates to influence broader government policy and action, the Committee therefore rejected this proposal.

3.3.2 Submissions by the National Cohesion and Integration Commission (NCIC)

74. The National Cohesion and Integration Commission made the following submissions—

75. Amend clause 5 of the Bill by inserting the following functions—

- (1) Oversee the implementation of peace building projects under this Act; In overseeing the implementation of peace building projects, the Commission shall —
 - (a) develop a monitoring and tracking mechanism for all peace building projects in the country;
 - (b) develop ethical standards to be adhered to by persons involved in peace building projects;
 - (c) undertake research and analyse and disseminate information, critical gaps and strategic priorities relevant to peace building in any particular region;
 - (d) systematically collect information on lessons learnt in peace building;
 - (e) advise persons involved in peace building projects on best practices for achieving lasting cohesion and integration in any particular area;
 - (f) advise the national and county governments on the most appropriate peace building interventions based on the existing circumstances of the local communities;

- (g) encourage national and county governments to allocate funding for peace-building initiatives;
 - (h) take measures to ensure that there is harmony in the peace-building projects undertaken in any particular area;
 - (i) take measures to ensure that persons involved in peace-building projects in the counties do not instigate, perpetuate or deepen instability or strife in any area;
- (2) Set standards to be adhered to by persons involved in the implementation of peace-building projects;
- (3) The Commission shall maintain a register of all peace-building projects within Kenya. A person who intends to engage in a peace-building project in Kenya shall notify the Commission of the project and give details about the project such as:
- (a) a description of the peace-building project or activity that the applicant intends to undertake;
 - (b) a statement of the place where the peace building project is to be carried out and the targeted community;
 - (c) a schedule of activities proposed to be undertaken in the peace building project;
 - (d) the time-frame of the peace building project;
 - (e) the source of financing for the project;
 - (f) a statement as to whether there is any conflict of interest;
 - (g) a statement as to whether the applicant has carried out any other peace building project within the targeted community and the outcome of that peace building project;
 - (h) the names of the officers in charge of the peace building project; and any other information that the Commission may require.

Committee's Observation/Recommendation

The Committee observed that it is important to include the functions of peacebuilding in the Bill. Their proposal was adopted by the Committee.

76. NCIC also recommended the retention of functions as envisaged in the NCI Act, 7N especially as it relates to; a. Investigating complaints of ethnic or racial discrimination b. Investigating on its own accord or on request from any institution, any issue affecting ethnic and racial

discrimination Making recommendations on penalties to be imposed on any person for any breach of the provisions of the Constitution or of any law dealing with ethnicity.

Committee's Observation/Recommendation

The Committee observed that it is important to include the functions of the Commission to investigate complaints of ethnic and racial discrimination. Their proposal was adopted by the Committee.

Clause 6

77. NCIC submitted that the Bill should retain powers as envisaged in the NCI Act, Cap. 7N Section 26 (2) (a) and (b): In the discharge of its functions under this Act, the Commission—

(a) shall not be subject to the direction or control of any other person or authority;

Committee's Observation/Recommendation

The Committee observed that oversight of the commission by another authority helps ensure that commissions are held accountable for their actions, promoting transparency and preventing misuse of power. The Committee rejected this proposal.

(b) shall publish the names of persons or institutions whose words or conduct may undermine or have undermined or contributed towards undermining good ethnic relations, or who are involved in ethnic discrimination or the propagation of ethnic hate.

Committee's Observation/Recommendation

The Committee observed that publishing names of persons or institutions whose conduct may have contributed to undermining good ethnic relations involves balancing the public interest and the right to information with individuals' rights to privacy and fair treatment. The proposal was rejected by the Committee.

Clause 8

78. NCIC recommended the introduction of new provisions as follows:

(a) Power to compel the attendance of witnesses to the commission

A person who fails to obey summons for the attendance as a witness or other persons or for the production of books, plans and other documents or who, having complied, refuses or fails to give his correct name and address and to answer truthfully all questions that may be lawfully put to him commits an offence and shall be liable on conviction to a fine

not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

Committee’s Observation/Recommendation

The Committee adopted this proposal to enable the Commission to compel the attendance of witnesses.

Clause 10

79. NCIC recommended that the words ‘administered by a commissioner’ be removed from Clause 10(2).

Committee’s Observation/Recommendation

The Committee observed that the provision in the Bill is more comprehensive. Their proposal was therefore not adopted.

80. NCIC further submitted that the Bill should retain the provision of the current Act of the single term of six years for Commissioners to align the act with Constitutional provisions on Commissions.

Committee’s Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

Clause 17 on removal from office

81. NCIC submitted that the bill should adopt the provisions of the Constitution with regards to removal from office of the Chairperson or Commissioners.

Committee’s Observation/Recommendation

The Committee observed adopted this provision to align the Bill with Article 251 of the Constitution.

Clause 24 on the Secretary to the Commission

82. NCIC recommended that there be included qualifications for the person seeking to be Secretary to the Commission. The qualifications should include—

- (a) Holds a Masters from a university recognized in Kenya;
- (b) At least ten years proven experience at management level;
- (c) Has extensive experience in public administration and/or public service.

Committee's Observation/Recommendation

The Committee observed that changing the qualifications of a Secretary to the Commission from five years' experience to ten years' experience is not ideal. The relevance and quality of experience matter more than the number of years. The Proposal was therefore rejected.

Clause 47

83. The Commission submitted that the title of the offence of hate speech should be retained as per the current act.

Committee's Observation/Recommendation

The Committee adopted this proposal. To empower the commission to compel witnesses to comply with their summons.

84. NCIC also recommends the expansion of the definition of the offence of hate speech to include coded language, vilification of others etc. The proposed clause to read as follows—

A person who –

- (a) uses threatening, abusive, insulting, vilifying words or behaviour, displays any written material or disseminates any ideas based on ethnic superiority;
- (b) uses coded language, acts or makes gestures;
- (c) publishes, posts or distributes material in the print, electronic or social media;
- (d) presents or directs the public performance of a play with gestures depicting ethnic hatred;
- (e) distributes, shows or plays a recording of visual images or provides, produces or directs a programme which- (i) depicts ethnic propaganda or stereotyping; or (ii) contains gestures depicting ethnic hatred; or (iii) is threatening, abusive, insulting or vilifies others or involves the use of threatening, abusive, insulting or vilifying words or behaviour;
- (f) wears or engages in the display of clothing, signs, flags, emblems and insignia, with the intention to incite or stir up ethnic hatred or having regard to all the circumstances, ethnic hatred or social strife is likely to be stirred up, or social cohesion is likely to be disrupted, or show serious contempt for, or severe ridicule of, or incite acts of violence towards a person or group of persons, or towards any property of that person or group of persons, commits an offence.

Committee's Observation/Recommendation

The Committee observed that the definition of hate speech is comprehensive and therefore adopted this proposal.

85. Further, NCIC recommended that the punishment in Clause 47(2) to be enhanced to a fine of not less than five million and to a term of imprisonment of not less than five years of both.

Committee's Observation/Recommendation

The Committee observed that a fine should be proportionate to the offence. A one-million fine may be deemed sufficient to reflect the severity of the violation, whereas five million might be considered excessively punitive. The Committee rejected this proposal.

86. NCIC also recommended the inclusion of a new clause as follows—

“Any print, electronic, digital and social media, or other media enterprise that publishes or otherwise disseminates any of the acts under subsection (1) on any platform commits an offence and shall, on conviction, be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than ten years, or to both.” “any licenced media enterprise shall upon conviction have their licence revoked” “Any person convicted of an offence under this section shall not be eligible to hold any public nominative or elective office for a period of five years.”

Committee's Observation/Recommendation

The Committee observed that a fine should be proportionate to the offense. A one-million fine may be deemed sufficient to reflect the severity of the violation, whereas five million might be considered excessively punitive. The Committee rejected this proposal.

87. Additionally, NCIC submitted that the Bill should retain the offence of ethnic or racial contempt as provided in the current NCI Act No. 7N to be added as Clause 48 to read as follows—

“Any person who utters words intended to incite feelings of contempt, hatred, hostility, violence or discrimination against any person, group or community on the basis of ethnicity or race, commits an offence and shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or both. A newspaper, radio station or media enterprise that publishes the utterances referred to in subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings.

Committee's Observation/Recommendation

The Committee observed that a fine for this provision has been provided for under the provision on hate speech. The Committee did not adopt this provision.

Clause 60 on where conciliation fails

88. NCIC recommended the amendment of Clause 60(2) to provide for a procedure of hearing a matter where conciliation has failed. The clause would therefore read—

- (1)
- (2) The chairperson of the Commission may establish hearing panels each consisting of three members of the Commission to deal with, hear and determine the complaints admitted for hearing.
- (3) The panels established under subsection (2) shall exercise all the powers and shall perform all the duties and functions of the Commission in relation to any matter before the panel.
- (4) Members of a panel established under subsection (2) may, if necessary, consult with other members of the Commission for purposes of ensuring consistency of decisions of the Commission.

Committee's Observation/Recommendation

The Committee adopted this provision since it provides the procedure of hearing a matter where conciliation has failed.

Clause 72 on offences

89. The Commission submitted that the penal provisions should be enhanced to a fine of one million shillings or to imprisonment for a term not exceeding three years.

Committee's Observation/Recommendation

The Committee observed that a fine should be proportionate to the offense. A one-million fine may be deemed sufficient to reflect the severity of the violation, whereas five million might be considered excessively punitive. The Committee rejected this proposal.

Clause 84 on regulations

90. The NCIC submitted that the power to make regulations should be given to the Commission in consultation with the Cabinet Secretary.

Committee's Observation/Recommendation

Committee observed that Commissions are often established to oversee specific areas or industries and are typically staffed with experts in those fields. These experts have a deep understanding of the complexities involved and can craft regulations that are technically sound, relevant, and effective in addressing specific challenges. The Committee adopted this proposal.

3.3.3 Office of the Attorney General (OAG)

91. The Office of the Attorney General made the following general comments on the Bill—

92. The OAG recommended that the Bill should provide clear and comprehensive definitions of key terms such as “national cohesion” and “integration” to avoid ambiguity and ensure consistent interpretation across different sectors and regions.

Committee’s Observation/Recommendation.

The Committee adopted this proposal.

93. Implementation mechanisms - it would be beneficial to elaborate on the practical implementation strategies and mechanisms that will be employed to achieve the goals outlined in the Bill. Clarity on roles, responsibilities and coordination among relevant government bodies and stakeholders essential for effective implementation.

Committee’s Observation/Recommendation

The Committee adopted this proposal.

94. Inclusivity and Participation; the Bill should emphasize inclusivity and active participation of all segments of society, including marginalized groups, in fostering national cohesion, provisions for public consultations and engagement during policy formulation and implementation stages would enhance ownership and effectiveness.

Committee’s Observation/Recommendation

The Committee adopted this proposal.

95. Monitoring and Evaluation: Incorporating provisions for regular monitoring and evaluation of the Bill’s impact and outcomes is vital. This will enable policymakers to assess progress, identify challenges and make necessary adjustments to policies and interventions.

Committee's Observation/Recommendation

The Committee adopted this proposal.

96. Education and awareness: Strengthening initiatives related to education and public awareness campaigns on the importance of national cohesion and integration should be a key component of the Bill. Investing in educational programs that promote intercultural understanding and respect for diversity is essential for long-term success.

Committee's Observation/Recommendation

The Committee adopted this proposal.

3.3.4 National Gender and Equality Commission (NGEC)

Clause 2

97. In their submissions, NGEC proposed the introduction of the following definitions—

- (a) **Discrimination** is the process of making unfair or prejudicial distinctions between people based on the groups, classes, or other categories to which they belong or are perceived to belong, such as race, gender, age, and religion;
- (b) **Affirmative action** is defined as a set of procedures designed to; eliminate unlawful discrimination among applicants, remedy the results of such prior discrimination, and prevent such discrimination in the future. The term affirmative action is proposed to replace what is termed "positive discrimination" or "exceptions to discrimination. Clause 42, 44 and 48.

Committee's Observation/Recommendation

The Committee adopted the proposal on the definitions but rejected the proposal to replace what is termed as "positive discrimination" or "exceptions to discrimination" in clause 42, 44 and 48 because the provisions on the Bill relate to discrimination therefore using the terms "exceptions to discrimination" is clearer.

Clause 3

98. NGEC recommended that clause 3 (1)(a) be amended by substituting the subclause with the following—

(a) To provide a framework for the promotion of non-discrimination on ethnic grounds.

Committee’s Observation/Recommendation

Members observed that the provision in the Bill was more comprehensive. Their proposal was therefore not adopted.

Clause 5

99. . NGEC recommended that clause 5(1)(e) be amended by inserting the phrase “discrimination” immediately after the words “on ethnic grounds”. This is because the object of the Bill is to eliminate discrimination based on ethnic grounds and does not extend to all the grounds in Article 27(4).

Committee’s Observation/Recommendation

Members observed that the provision in the Bill was more comprehensive. Their proposal was therefore not adopted.

Clause 10

100. . NGEC proposed the rephrasing of clause 10 (2) to read as follows—

(2) The Commission shall establish offices as deemed necessary in the country.

Committee’s Observation/Recommendation

Members observed that the provision in the Bill was more comprehensive. Their proposal was therefore not adopted.

Clause 11

101. . NGEC recommended that clause 11 be amended by inserting a new subclause (11)(A) on the composition of the Commission by office.

Committee’s Observation/Recommendation

Members observed that the provision in the Bill was more comprehensive. Their proposal was therefore not adopted.

102. . NGEC further proposed that subclause 11(3) be amended by inserting the phrase “fair representation of disability” immediately after “equity” to comply with *Mwongozo Code of Governance* and Article 54 (2) of the Constitution.

Committee's Observation/Recommendation

Members observed that the provision in the Bill was more comprehensive. Their proposal was therefore not adopted.

Clause 14

103. . NGEC proposed that clause 14(1) be amended by inserting after the phrase "Commission" the following-

"and in the absence of the Chairperson, the members present shall elect one of them in accordance with paragraph 4 of the Third schedule.

Committee's Observation/Recommendation

Members observed that the provision in the Bill was more comprehensive. Their proposal was therefore not adopted.

Clause 16

104. . NGEC proposed the deletion of clause 16(h). It was its view that the provision was prejudicial and discriminatory to persons with physical and mental disability. The Convention on the Rights of Persons with Disabilities (CRPD) provides for reasonable accommodation to enable such person's deliver on their mandate competitively with others.

Committee's Observation/Recommendation

The Committee observed that the provision in the Bill was clearer. Their proposal was therefore not adopted.

Clause 25

105. . NGEC proposed the deletion of clause 25(1)(a) because it is prejudicial and discriminatory to persons with physical and mental disability. The Convention on the Rights of Persons with Disabilities (CRPD) provides for reasonable accommodation to enable such person's deliver on their mandate competitively with others.

Committee's Observation/Recommendation

The Committee observed that the provision in the Bill was clearer. Their proposal was therefore, not adopted

Clause 41

106. NGEC proposed the amendment of sub-clause (5) to align with section 87 of the Employment Act. NGEC opined that the sub-clause does not prescribe a penalty for the offence but section 87 provides for a general penalty which is a fine of fifty thousand or imprisonment not exceeding three months or both.

Committee's Observation/Recommendation

The Committee observed that the provision in the Bill was clearer. Their proposal was therefore not adopted.

Clause 42

107. NGEC proposed the amendment of the marginal note "Exceptions to discrimination in employment" by substituting it with "Affirmative action". Discrimination as defined above has a negative through and through and no exception or justification can sanitize it.

Committee's Observation/Recommendation

The Committee observed that the provision in the Bill was clearer. Their proposal was therefore not adopted.

Clause 43

108. NGEC recommended that clause 43(4) be amended by substituting the phrase "given religious persuasion or profession" with "a specific grouping". This is because "grouping" is a set of people that have something in common. Subclause (4) is too limiting i.e. on religious persuasion or profession. The law should not be seen as limiting and infringing on people's right to association especially if they have things in common.

Committee's Observation/Recommendation

The Committee observed rejected this proposal since these groups are limited by particular doctrines and the provision cannot apply to any group.

Clause 44

109. NGEC submitted that clause 44(2) be amended by substituting the phrase "a necessary requirement" with "an affirmative action"

Committee's Observation/Recommendation

The Committee observed that the provision in the Bill was clearer. Their proposal was, therefore, not adopted.

Clause 48

110. NGEC proposed that the marginal note "Exceptions to discrimination" be replaced with "Affirmative action"

Committee's Observation/Recommendation

The Committee observed that the provision in the Bill was clearer. Their proposal was therefore not adopted.

Clause 49

111. NGEC was of the view that the clause should be amended to specifically state the matters the proposed Commission can investigate i.e. jurisdiction in investigations (whether another Agency has the same or similar mandate) and the limitation of jurisdiction e.g. Criminal offences or matters already before a court. The rationale is to ensure that there is no overlap of mandates.

Committee's Observation/Recommendation

Members observed that their proposal will add value to the Bill and therefore adopted it.

National Police Service Commission (NPSC)

112. The Commission submitted that the letter and spirit of the Bill has largely captured the intent and purpose of the existence of the National Cohesion and Integration Commission. The Commission however made a few proposals to enhance the Bill.

Clause 14

113. The Commission proposed that clause 14(3) be amended to read as follows—

“ If the Office of the Chairperson and the Vice Chairperson become vacant or if the Chairperson and Vice Chairperson are unable to exercise the powers or perform the functions of their office owing to absence, illness or any other cause, the members shall elect one from amongst themselves, who shall exercise their powers or perform these functions.”

Committee’s Observation/Recommendation

The Committee observed that the provision in the Bill was clearer. Their proposal was therefore not adopted.

Clause 15

114. NPSC submitted that the term of office for the Chairperson and members of the Commission be a non-renewable term of six (6) years.

Committee’s Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

Clause 18

115. NPSC proposed that Clause 18(2) of the Bill be amended to read as follows—

18(2). A person appointed under subclause (1) shall serve for a non-renewable term of six (6) years”.

Committee’s Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

Clause 23

116. The Commission proposed that the clause be amended to read as follows—

23. The Chairperson and members of the Commission shall be paid such remunerations and allowances, as shall be determined by the Salaries and Remuneration Commission (SRC)”

Committee’s Observation/Recommendation

The Committee observed that commissioners are not constitutional commissioners and are thus public servants and Salaries Remuneration Commission only determines salary for state officers. The committee rejected this proposal.

Clause 32

117. NPSC proposed the addition of a new subclause 32(2)(f) to read as follows—

- (f) payment of the Commission rent expenses.

Committee's Observation/Recommendation

The Committee observed that payment of the Commission rent expenses falls under maintenance of the buildings and grounds of the Commission. The Committee rejected this proposal.

Clause 52

118. The National Police Service Commission proposed the addition of a new subclause 52(2)(d) to read as follows—

- (c) a matter already before a Court of law.

Committee's Observation/Recommendation

The Committee observed that the Bill has addressed the issue of a matter already before a Court of law therefore rejected this proposal.

Judicial Service Commission (JSC)

Clause 2

119. JSC proposed that the Bill should include the definition of “peace-building” in clause 2 of the Bill.

Committee's Observation/Recommendation

The Members noted that the definition of peace building is already in the Bill. This proposal was rejected.

Clause 5

120. The Judiciary Service Commission supported the functions of the National Cohesion and Integration Commission as outlined in Clause 5 of the Bill.

Clause 16

121. The JSC proposed an amendment to Clause 16, by inserting the additional grounds for the declaration of a vacancy as proposed in Clause 16 (c), (i) and (j) of the Bill.

Committee's Observation/Recommendation

Members observed that the proposal by JSC is already addressed in the Bill.

Clause 42

122. The Judicial Service Commission proposed that the Bill in clause 42 (1), provide for an exemption of the special circumstances under which marginalized groups may be employed, in line with Article 56 (c) of the Constitution.

Committee's Observation/Recommendation

The Committee observed that Article 54 (c) provides that the state shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups are provided special opportunities for access to employment. This provision is sufficient in therefore the Committee rejected the proposal of incorporating the same in the Bill.

Office of The Director of Public Prosecutions (ODPP)

123. The ODPP supported the legislative reforms in the National Cohesion and Integration Bill, 2023 aimed at harmonizing the law with the existing realities in the digital era in the Bill with the following recommendations—

Clause 4

124. ODPP notes that the current law **Cap. 7N** provides in **section 16** that “Subject to the provisions of any other written law as to the meetings of the Commission, the Commission may hold its sittings at any place in Kenya”. The current Bill needs to specify where and how meetings may be held.

Committee's Observation/Recommendation

The Committee observed that the meetings of the Commission are elaborated in the Third Schedule of the Bill. The Committee rejected this proposal.

Clause 15

125. The ODPP proposed that under clause 15 of the Bill, the Chairperson and Members of the Commission should serve at least six (6) years non-renewable term and there should be a provision that they should not hold any other office or employment for profit.

Committee's Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

Clause 17

126. ODPP raised concerns over clause 17(2) of the Bill. It noted that it is different from Article 251 (6) where upon receipt of the complaint from the National Assembly, the President appoints a tribunal. The tribunal shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the President, who shall act in accordance with the recommendation within thirty days. If the bill is passed as it is therefore, it will have different provisions for removal of a commissioner and runs the risk of being declared unconstitutional.

Committee's Observation/Recommendation

The Committee adopted this provide a clear process for removal of a Commissioner.

Clause 47

127. ODPP recommended that religion and gender are very often the basis upon which discrimination occurs hence the same should be included in this clause and in the interpretation section otherwise this new law if passed, shall not be able to punish discrimination on grounds of gender and religion.

Committee's Observation/Recommendation

The Committee observed that gender and religion have been addressed in definition of ethnic group and ethnic grounds. Gender has also been addressed under clause 11(3) of the Bill where in appointing members to the Commission, the principles of gender equity, ethnic and regional representation shall apply. The Committee therefore did not adopt this proposal

Clause 49

128. ODPP noted that there is ambiguity in clause 49(1) with respect to who determines how serious a matter is. Is it the complainant, the commission, the suspect or the law? The law should provide the nature and seriousness of complaints that the commission should investigate. ODPP proposed that the law should state that complaints should be dismissed, where there is no

response for twelve months, and no reasons have been provided by the complainant, for the delay in providing a response.

Committee's Observation/Recommendation

The Committee observed that Clause 54 (1) of the Bill provides that the commission may dismiss a complaint where there is no response for twelve months. The Committee therefore did not adopt this proposal since it is provided for under clause 54(1) of this Bill.

129. ODPP proposes that the commission shall investigate and recommend to the Director of Public Prosecutions the prosecution of any complaints of ethnic contempt and any offences under this Act or any other law enacted pursuant to Article 10 and Article 27 of the Constitution.

Committee's Observation/Recommendation

The Members adopted this proposal.

Clause 63

130. ODPP proposes that there is a bit of ambiguity concerning this clause. What information would the commission be seeking from individuals? The commission should have power to investigate and gather evidence using the machinery it enjoys from the state. Information is a right protected in the Bill of Rights and it may not be possible to compel someone to give information. Even witnesses in court give evidence out of their own volition. They can decide not to give evidence, or submit erroneous information.

Committee's Observation/Recommendation

The Committee did not adopt this proposal as the provision in the Bill is clear.

131. ODPP recommended that this clause should not require individuals to furnish information but it should simply create an offence where individuals fail to comply with notices requiring them to cease acts or omissions causing discrimination.

Clause 64

132. Under clause 64 ODPP proposed that it is similar to a judicial review writ of prohibition normally issued by courts. That being the case, this will amount to the usurpation of judicial authority vested only in courts and tribunals under Article 159(1) of the Constitution.

Clause 65

133. ODPP proposed that clause 65 of the Bill be amended to read as follows—

“a contravention of this Act does not create any civil or criminal liability except to the extent expressly provided by this Act or any other written law”. This is because cooperation with the commission should not be criminalized to encourage people to give information without fear. Secondly, perjury and other offences relating to the administration of justice have already been dealt with in the Penal Code (Cap. 63). This section is problematic because judicial precedents and case law show that the high court has been very protective when it comes to fundamental freedoms and human rights especially the freedom of expression.

Committee’s Observation/Recommendation

The Committee observed that the proposed amendment by ODPP if adopted it could cause legal ambiguity. This clause could create confusion about the legal consequences of violating the Act. It suggests that only the specific penalties outlined in the Act (or other written laws) apply, but it does not clarify what happens if a particular type of violation isn’t explicitly covered. This could lead to uncertainty about whether certain actions are punishable or not. The Committee therefore did not adopt this proposal.

Clause 69

134. Under Clause 69 the ODPP recommended that to ensure effective control of prosecutorial functions and criminal investigations as per the mandate under Article 157, all criminal complaints should be forwarded to the DPP for review and further directions. It is for the ODPP to then determine and give directions. The Commission should not determine what to do with such complaints because to do that, would be tantamount to holding a criminal trial.

Committee’s Observation/Recommendation

The Members agreed to forwarding complaints to the DPP.

Clause 70

135. ODPP submitted that clause 70(3) should be deleted. State organs are responsible to the people through parliament and file their reports with the president and parliament. Making it a legal requirement to submit a report to the commission makes the commission have oversight roles which might run contrary to the constitution.

Committee's Observation/Recommendation

The Committee observed that the commission should carry out recommendations to the relevant agencies for action and file its report to parliament. The relevant agency to which the report was filed will then be accountable to the parliament as to what they did with the report. The Committee adopted this provision.

Clause 72

136. ODPP noted that clause 72(d) is problematic because judicial precedents and case law show that the high court has been very protective when it comes to fundamental freedoms and human rights especially the freedom of expression. It is therefore ODPP's submission that section 72(d) should be deleted as it is contrary to the memorandum and objects of the Bill and right to freedom of expression.

Committee's Observation/Recommendation

The Committee rejected the proposal to delete this provision since laws protecting commissioners or public officials from insults are often justified by the need to maintain respect for those holding public office. The rationale is that public officials must be able to perform their duties without being subjected to disrespect or abuse, which could undermine their authority and the functioning of public institutions. The Committee rejected this proposal.

3.3 PUBLIC HEARINGS ON THE NATIONAL COHESION AND INTEGRATION BILL, 2023

137. In addition to receiving memoranda from the public and in order to facilitate comprehensive public participation, the Committee held meetings from Monday 3rd to Saturday 8th June, 2024 in various counties namely; in Kisumu, Kakamega, Lamu, Mombasa, Kwale, Garissa, Nyeri, Kirinyaga, Murang'a, Makeni, Nandi, Uasin Gishu and Homa bay. The meetings were held with people of diverse race, age, religion, culture, language and gender.

138. During the public hearings in the various counties, the members of the public either individually or representing institutions and organizations made presentations and/or submitted memoranda which the Committee took into account while considering the Bill.

139. The feedback received from the interactions with stakeholders provided valuable input, highlighting specific concerns and suggestions for amendments. The following are the submissions on various clauses of the Bill—

Clause 2

140. Mr. Lawrence Ndugu from Mathira East Constituency supported the Bill and contributed that the definition of national cohesion should be incorporated in the Bill. The definition of equal distribution should also be incorporated into the Bill.

Committee’s Observation/Recommendation

The Committee observed that the Bill has provided for the formula on distribution of resources. The Bill states under Clause 45 that public resources shall as far as practicable be distributed equitably and geographically taking into account Kenya’s diversity, population and poverty index. The criteria on distribution of resources is more comprehensive than defining the term “equal distribution” therefore this proposal was not adopted.

141. Mr. Fredrick Kioko from Kitui County stated that there was a need to broaden the scope of the definition of hate speech.

Justification

The Committee observed that there ought to be a clearer definition of hate speech. The Committee agreed to the expansion of the definition of the offence of hate speech to include coded language, vilification of others e.t.c.

142. Ms. Julia Wanjiru from Kirinyaga County stated that she was in support of the Bill but there was a need for a standard form for collecting data and information on complaints of breach of national cohesion.

Committee’s Observation/Recommendation

The Committee observed that national cohesion breaches often involve complex issues such as ethnicity, politics, cultural sensitivities, or personal bias, which may vary widely from case to case. A standard form may not adequately capture the nuances and context of each

complaint. For example, a complaint about hate speech may involve complex cultural, historical, and social factors that a one-size-fits-all form may not fully reflect.

Clause 3

143. Mr. Franklin Mwangi from Nyeri County contributed that clause 3(a) of the Bill should give effect to Article 19 to Article 51 of the Constitution of Kenya instead of only giving effect to Articles 10 and 27.

Committee's Observation/Recommendation

The committee noted that Article 51 outlines the rights of individuals who are detained, held in custody, or imprisoned. Article 19 covers rights and fundamental freedoms. By including Articles 19 and 51 in the bill, the scope of the bill is broadened, and this may impact the bill's implementation.

144. Ms. Jane Chengo from Nyali, Mombasa County stated that this legislation is good as it will assist in solving the issue of discrimination in various sectors.

145. Ms. Caroline Cheptoo from Uasin Gishu County raised the issue of politics centred on tribalism where each region establishes its political party.

Committee's Observation/Recommendation

The committee noted that the issue of politics being centered on tribalism is a current concern in Kenya. The committee did not have any proposals on this issue since it does not relate to the bill.

146. Mr. Salim Bandari from Kongowea, Mombasa County opposed the Bill as it will mean further taxation on Kenyans to enable the commission to run its activities.

Committee's Observation/Recommendation

The committee has recognized the importance of establishing regional offices of the Commission in the country despite the associated costs, as this is vital for ensuring the effective delivery of services to Kenyans.

147. Mr. Basra Ahmed from Mukowe Constituency, Lamu County supported the Bill and contributed that as livestock keepers in Lamu, they experience unjust treatment contrary to the spirit of clause 3 (a).

148. Mr. Philip Kiptoo from Nandi County supported the Bill but inquired on why the act is establishing a new commission and why there is a need for the Secretary to the Commission to be a degree holder.

Committee's Observation/Recommendation

The Members observed that the NCIC Bill does not establish a new Commission. Upon commencement of this Act, any former member of the Commission shall be deemed to be a member of the reconstituted Commission.

Clause 5

149. Bishop Lius Muuka from Homabay County stated that the church needs to be elevated and included in the peace and integration process.

Committee's Observation/Recommendation

The Committee observed that under Article 8 of the Constitution of Kenya, there shall be no state religion and therefore the church may play a role but the same cannot be incorporated in the legislation on the peace and integration process. This proposal was rejected.

150. Mzee Shekhe Abdi from Nandi County supported the Bill and stated that according equal opportunities *mama mboga* and *boda boda* riders should be also appointed to leadership positions.

151. Mr. John Githunguri from Nandi County proposed that the Bill should include chiefs and peace committees to be involved in matters of national cohesion at the local levels.

152. Mr. Tobius Osano Nyakach Youth Representative stated that NCIC should incorporate the youth and the private sector to ensure unity

153. Mr. Rono Kibet from Uasin Gishu County proposed that existing Peace Committees be incorporated by strengthening the Sub-County Peace Committees and Nyumba Kumi currently under the Ministry of Interior in enhancing cohesion at the local levels.

Clause 5

154. Ms. Isabel Wambui contributed clause 5 should incorporate the function of the commission to conduct civil education to youth to avoid them participating in ethnic conflicts.
155. Mr. Joseph Nderitu, a chairperson of the Nyumba Kumi in Mwea supported the Bill and stated that there was need for equal opportunities in employment.
156. **Bishop Clement Otieno – Clergy from Homabay stated that** the Bill should consider the church as an important partner in bringing national cohesion to the country. The Bill should acknowledge the work of the churches through the National Churches Council of Kenya and recognize their local leadership in fostering peace at the local level.

Clause 7

157. Ms. Maurine Kemunto – Representative of Civil Society in Kakamega stated that the Commission should have investigative and prosecutorial powers to prosecute otherwise it is a toothless Commission and not having this done by other government agencies as proposed in the Bill.

Committee’s Observation/Recommendation

The Members agreed to giving the Commission prosecutorial powers

158. Mr. Nelson Owegi stated that the Commission should have prosecutorial powers.

Committee’s Observation/Recommendation

The Members agreed to giving the Commission prosecutorial powers.

159. Mr. Ben Mwaya stated that the Commission should have investigative and prosecutorial powers.

Committee’s Observation/Recommendation

The Members agreed to giving the Commission prosecutorial powers

160. Mr. Joshua Kiplagat proposed that NCIC should be given investigative and prosecutorial powers.

Committee’s Observation/Recommendation

The Members agreed to giving the Commission prosecutorial powers

Clause 10

161. Mr. Nelson Oduor proposed that the Headquarters of the Commission should be moved from Nairobi because Nairobi is overburdened.

Committee's Observation/Recommendation

The Members observed that Nairobi is the capital city and the primary hub for government operations, ministries, and diplomatic missions. Keeping the commission's headquarters in Nairobi ensures easy access to other government bodies, enabling efficient coordination and communication. The Committee did not adopt this proposal.

162. Mr. Issa Marti from Bombolulu stated that the establishment of the branches of the Commission will increase government expenditure.

Committee's Observation/Recommendation

The Committee observed that the establishment of the decentralized offices is a noble idea which ought to be effected progressively.

163. Mr. Philip Kasim from Ziwa la Ng'ombe constituency in Mombasa County stated that regional offices to be established and future branches in each county.

Committee's Observation/Recommendation

The Committee observed that the establishing of decentralized offices is a noble idea which ought to be implemented progressively

164. Reverend Karanja supported the Bill but proposed that under clause 10 (2) the nine regional offices be reduced to 8 regions. He further contributed that the following counties to be renamed; Embu, Turkana, Kisii and Taita to reflect names that are not similar to ethnic tribes.

Committee's Observation/Recommendation

The Committee observed that the establishing of the decentralized offices is a noble idea which ought to be effected progressively

165. Mr. Macharia Wambugu noted that the unequal opportunities to education due to poverty lead to unequal opportunities. He therefore proposed that the amount for bursaries be increased to enable education accessible to all regardless of economic status.

166. Ms. Irene Ngaruiya contributed that there needs to be formed a peace committee to be formed and have offices for purposes of carrying out peace functions.

167. Mr. James Mbori proposed that the regional offices should not only be to the nine regions but should be devolved further to the local level.

Committee's Observation/Recommendation

The Committee observed that the establishing of the decentralized offices is a noble idea which ought to be effected progressively

168. Wycliff Seve proposed that NCIC offices be decentralized to the grassroots and not just the nine regional offices for ease of access by ordinary citizens.

Committee's Observation/Recommendation

The Committee observed that the establishing of the decentralized offices is a noble idea which ought to be effected progressively.

169. Mr. John Njoroge from Kwale County stated that the establishment of 9 branches of the National Cohesion and Integration Commission and the establishment of the Commission's offices in each county will increase this will increase the government's expenditure and lead to further taxation.

Committee's Observation/Recommendation

The Committee observed that the establishing of the decentralized offices is a noble idea which ought to be effected progressively due to the cost implication.

Clause 11

170. Mr. Salim Shono proposed that the composition of the Commission should consider having a representative of the youth.

Clause 15

171. Mr. Opande Opara from Kisumu County stated that the term of office of the Commission is sensitive, the Commission to serve for a one-term period of six years to avoid politicizing their appointments.

Committee's Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

172. Mr. Kepha Otieno from Kisumu County proposed that the Commissioners serve for one term of five years or their tenure be pegged on a performance contract.

Committee's Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

173. Mr. Joseph Owalo from Kasipul constituency, Homabay County stated that NCIC Commissioners should serve for a three-year term as proposed by the Bill.

Committee's Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

174. Mr. Erastus Kabaka a teacher from Kakamega County stated that NCIC Commissioners should serve for a six-year term as in the current law. This ensures experience and implementation of policy because three years is too short.

Committee's Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

175. Ms. Marita Kipboeng proposed that NCIC Commissioners to serve for a three-year renewable term as proposed in the Bill.

Committee's Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.

Clause 32

176. Ms. Daisy Marawa from the administration sector in Nyeri stated that there is need for the Bill under clause 32 to fund counties in matters of cohesion and integration.

177. Macharia from the Nyumba Kumi for Mathira East Constituency contributed that they be established a National Cohesion Fund to enable people to go to college to study peace-building courses.

Clause 38

178. Mr. Nahashon Ochieng the representative of the Area Member of Parliament in Kisumu County stated that the Bill talks about discrimination and negative ethnicity but does not talk about nativity. At the county level, negativity is not a big challenge because the majority of the people are from largely the same ethnic community. However, the biggest challenge is the nativity where discrimination is based on things like clans, sub-clans and even villages. This aspect needs to be incorporated into the Bill to address the local challenges at the county and devolved unit levels.

179. Mr. Abdi Swaleh from Kwale County stated that eradicating ethnic discrimination should start at the national level.

Committee's Observation/Recommendation

The Committee observed that the National government can allocate resources to areas where poverty is most severe, ensuring that funds are used where they are most needed.

180. Mr. Joshua Opande from Kakamega County stated that ethnicity is not only negative, the positive attributes of ethnicity should also be outlined in the Bill. The Bill should define and incorporate the term “native” since it affects counties.

Committee's Observation/Recommendation

The Committee took note of the comments and noted the Bill has intensively addressed issues of ethnicity. Defining the word “native” would not enrich the Bill and therefore this proposal was not adopted.

181. Mr. Harrison Matawe contributed by stating that there is need to include discrimination on grounds of mental illness among the grounds for discrimination.

Committee's Observation/Recommendation

The Committee acknowledged the feedback and recognized that addressing mental illness is crucial. However, incorporating mental illness into this Bill may be overshadowed by issues of ethnicity and national cohesion.

182. Mr. John Kaburu, a representative of the Persons with Disabilities stated that there is need for exemptions of PWD caregivers from paying taxes.

Committee's Observation/Recommendation

The Committee did not adopt this proposal because it believes that it would be better for the government to provide a stipend to caregivers of persons with disabilities, rather than exempting them from paying taxes. This is because it would be difficult to enforce the exemption.

183. Mr. Maina Kasoi from Kirinyaga County was in support of the Bill on equal opportunities and recommended that male representatives should also be elected to represent counties instead of only having women representatives.

Committee's Observation/Recommendation

The Committee took note of the comments but did not adopt this proposal because the Women Representative seat was part of broader affirmative action initiatives in the Constitution aimed at promoting women's involvement in decision-making at all levels of government. It gave women a direct path to political leadership at the county level, complementing other efforts to increase women's participation in political processes.

184. Ms. Halima Hanifa from Lamu County stated that despite the absence of tribalism in Lamu, residents face significant discrimination. Therefore, economic empowerment should be promoted without any form of discrimination.

Committee's Observation/Recommendation

The Committee took note of the comments and noted that pursuant to clause 45 of the Bill, public resources shall as far as practicable, be distributed equitably and geographically

taking into account Kenya's diversity, population and poverty index. This will help in promotion of economic empowerment without any form of discrimination.

185. Mr. Tondu Naaman stated that Ethnicity is not only negative, the positive attributes of ethnicity should also be outlined in the Bill.
186. Mr. Moses Sulu supported the Bill but stated that there is discrimination in ethnicity.
187. Mr. Joseph Owalo stated that the Bill talks about discrimination and negative ethnicity which does not affect the local people at the local level. The main is the issue of nativity which the Bill should address especially at the county level.
188. Ms. Mary Atieno Omolo from Homabay County stated that the Bill should address discrimination based on bribery especially those who bribe for employment.

Clause 41

189. Mzee Wafula Wanyama from Kakamega County proposed to have public entities not to employ more than one-fifth from the same ethnic community to be maintained as proposed in the Bill but the new opportunities to be given to the disadvantaged communities to ensure equal opportunities and balance.
190. Mr. Julius Munyoki Muthui from Mwingi Constituency, Kitui County supported the Bill and recommended that a public entity shall not recruit or have its employment more than ten per cent (10%) of its staff from the same ethnic community.

Committee's Observation/Recommendation

The Committee has taken note that the Bill proposes a limitation on public entities, stipulating that no more than one-fifth of their staff can be from the same ethnic community. Comparing this to the current provision of 30%, it is evident that the proposed 20% limit represents a more progressive approach than a 10% restriction.

191. Mr. Clement Wachira from Bombolulu, Mombasa County inquired into the issue of recruitment in the public service and how the Bill will solve the issue of corruption and equal opportunity for all.
192. Mwanahamisi from Kwale County inquired about how ethnic discrimination will be handled especially in job opportunities.

Committee’s Observation/Recommendation

The Committee observed that clause 42 makes provision for discrimination in employment. Therefore, the same has already been addressed in the Bill.

193. Ms. Esther Nanjala proposed not to have public entities not to employ more than one-fifth from the same ethnic community to be maintained as proposed in the Bill.

Committee’s Observation/Recommendation

The Committee adopted this proposal in support of the current provision in the Bill.

194. Ms. Fatuma Ahmed from Mombasa County supported the Bill but stated that employment opportunities are available but are not given to the youth.

195. Mr. Edmund Wanyoike supported the Bill and stated that the Bill needs to ensure that under clause 41(2) a public entity should not recruit or have in its employment more than one-fifth of its staff from the same ethnic community.

Committee’s Observation/Recommendation

The Committee has taken note that the Bill proposes a limitation on public entities, stipulating that no more than one-fifth of their staff can be from the same ethnic community. The proposal was therefore in support of the current Bill provision.

196. Ms. Adelite Muhandi from Kakamega County proposed that the employment ratio by the public entities not to employ more than one-fifth from one ethnic community is supported and the same should be enforced to ensure its implementation.

197. Mr. Hamisi from Lamu supported the Bill but stated that the companies in Lamu should prioritize providing employment opportunities to the local youth.

Committee’s Observation/Recommendation

The Committee observed that clause 41 makes provision for discrimination in employment. Therefore, the same has already been addressed in the Bill where a public entity shall not recruit or have in its employment more than one fifth of its staff from the same ethnic community.

198. Mr. Boaz Ikenda, a Human Rights Defender from Kakamega County proposed that the employment ratio by the public entities be reduced to 15% so that no public entity should be allowed to employ 15% from one ethnic community.

Committee's Observation/Recommendation

The Committee has taken note that the Bill proposes a limitation on public entities, stipulating that no more than one-fifth of their staff can be from the same ethnic community. Comparing this to the current provision of 30%, it is evident that the proposed 20% limit represents a more progressive approach than a 15% restriction.

Clause 42

199. Mr. James Mbori proposed a mechanism to remedy the over-employment of certain communities by the public entities at the disadvantage of other communities.

Committee's Observation/Recommendation

The Committee observed that clause 41 makes provision for discrimination in employment. Therefore, the same has already been addressed in the Bill where a public entity shall not recruit or have in its employment more than one fifth of its staff from the same ethnic community.

200. Mr. Nahashon Matubia from Kwale County recommended that clause 42 on exemptions to discrimination in employment be enhanced for clarity purposes.

Committee's Observation/Recommendation

The Committee took note of the comments and adopt this proposal.

201. Mr. Reagan Ochieng from Nyali, Mombasa County inquired on what the Bill seeks to achieve. He inquired on the issue of discrimination in employment under clause 42.

Committee's Observation/Recommendation

The Committee observed that clause 42 makes provision for discrimination in employment. Therefore, the same has already been addressed in the Bill .

202. Mutua Kilomi from Kitui County stated that the Bill should drive affirmative action by prioritising marginalised communities during employment.

Committee's Observation/Recommendation

The Committee observed that clause 41 makes provision for discrimination in employment. Therefore, the same has already been addressed in the Bill where a public entity shall not recruit or have in its employment more than one fifth of its staff from the same ethnic community.

203. Ms. Basra Ahmed from Mukowe Constituency in Lamu County supported the Bill and noted that there is lack of employment opportunities for the youths.

Committee's Observation/Recommendation

The Committee observed that clause 41 makes provision for discrimination in employment. Therefore, the same has already been addressed in the Bill.

204. Ms. Halima Mohammed from Lamu County stated that there is job discrimination in Lamu based on the IDs particularly affecting individuals who have relocated from Isiolo.

Clause 45

205. Mr. Nelson Wanyoro from Nyeri County supported the Bill and contributed that pursuant to clause 45 of the Bill, the resources should be distributed as per the national cake.

206. Ms. Basra Ahmed from Mukowe Constituency in Lamu County supported the Bill and noted that there is discrimination against Lamu residents based on the geographic information on their Identification Cards (IDs)

207. Ms. Margaret Nyambura from Lamu County stated that inadequate water resources to support the well-being and development of affected communities. There is also discrimination against the Somali residents in Lamu.

208. Mumo Charles a youth leader at Kamuwongo in Kitui county stated that equal chances need to be accorded in employment and there should not be geographical discrimination.

Committee's Observation/Recommendation

The Committee observed that clause 41 makes provision for discrimination in employment. Therefore, the same has already been addressed in the Bill where a public entity shall not recruit or have in its employment more than one fifth of its staff from the same ethnic community.

209. Mr. Ismael Noor from Lamu County supported the Bill but raised concerns about inadequate water resources in Lamu County.

Committee's Observation/Recommendation

The Committee took note of the comments and noted that pursuant to clause 45 of the Bill, public resources shall as far as practicable, be distributed equitably and geographically taking into account Kenya's diversity, population and poverty index. This will help in promotion of economic empowerment without any form of discrimination.

210. Mary Wambugu supported the Bill and stated that there is need for affirmative action to end discrimination on grounds of geographical area.

Committee's Observation/Recommendation

The Committee took note of the comments and noted that pursuant to clause 45 of the Bill, public resources shall as far as practicable, be distributed equitably and geographically taking into account Kenya's diversity, population and poverty index. This will help in promotion of economic empowerment without any form of discrimination.

211. Mzee Mutua Kioko from Mwingi constituency, Kitui County advocated for the Bill to ensure equal sharing of resources.

Committee's Observation/Recommendation

The Committee took note of the comments and noted that pursuant to clause 45 of the Bill, public resources shall as far as practicable, be distributed equitably and geographically taking into account Kenya's diversity, population and poverty index. This will help in promotion of economic empowerment without any form of discrimination.

212. Ms. Jennifer Kimanzi a PWD from Kitui County stated that resources should be distributed as per the size of the constituency and not the population.

Committee's Observation/Recommendation

The Committee took note of the comments and noted that pursuant to clause 45 of the Bill, public resources shall as far as practicable, be distributed equitably and geographically taking into account Kenya's diversity, population and poverty index. This will help in promotion of economic empowerment without any form of discrimination.

213. Mzee Shekhe Balshir from the Association of Imams and Preachers of Kenya in Nyeri County stated that there is a challenge in achieving national unity due to discrimination on grounds of religion, ethnic or social origin and language. He stated that there are no equal opportunities for education.

214. Ms. Amina Mohamed from Lamu County stated that the people of Lamu suffer from widespread poverty and neglect and there is need of accordance of equal opportunities.

Committee's Observation/Recommendation

The Committee took note of the comments and noted that pursuant to clause 45 of the Bill, public resources shall as far as practicable, be distributed equitably and geographically taking into account Kenya's diversity, population and poverty index. This will help in promotion of economic empowerment without any form of discrimination.

215. Wairimu from Kamwenju Teachers College stated that there is need for equal distribution of resources.

Clause 47

216. **Mr. Mama Waithira** stated that Clause 47 on ethnic or racial contempt should be amended the marginal note to reflect "hate speech". The Clause needs to incorporate the control of social media online hate speech.

Committee's Observation/Recommendation

The Committee adopted this proposal.

217. Mr. Charles Kamau from Mwea Tebere ward stated that he was in support of the Bill but there is need for the establishment of a committee to regulate politicians' hate speech.

Committee's Observation/Recommendation

The Committee observed that this proposal has already been catered for under hate speech. The Commission shall handle complaints on hate speech .

218. Mr. Abdi from Kwale County clarified the rationale for removing the NCI Act, of 2008. He also raised concerns about the prevalence of hostility, hate speech and incitement which threaten social cohesion.

Committee's Observation/Recommendation

The Committee adopted this proposal.

219. Mr. John Ihandi stated that the Bill is silent on hate speech and ought to be incorporated. Currently, NCIC is very discriminative in addressing hate speech remarks by elected leaders and the provision on hate speech should address that.

Committee's Observation/Recommendation

The Committee adopted this proposal and widened the scope of hate speech to include coded language, vilification of others e.t.c.

Clause 49-84 on Complaints, Investigations and Enforcement

220. Mzee Mwangi stated that in Clause 50-51 on complaints, the Bill to consider incorporating reporting to the village elders and local area chief.

221. Mr. Samuel Karanja from Kwale County supported the Bill as it will assist the mwananchi. He stated that it's good the commission has the power to handle complaints as opposed to reporting the issues to the Police.

222. Ms. Dorris Fundi from Kwale County inquired about where to file cases on nepotism. She was directed to lodge the same as a complaint under clause 51

223. Mr. Wilson Kinyua from Mwea Constituency stated that there was need to have the complaints offices at the constituency levels.

Committee's Observation/Recommendation

The Committee emphasized the importance of gradually establishing the Commission's regional offices to manage costs effectively. This phased approach will ensure that resources are allocated efficiently until the offices can be fully operational at the constituency level.

The Committee acknowledged the feedback and recognized that addressing mental illness is crucial. However, incorporating mental illness into this Bill may be overshadowed by issues of ethnicity and national cohesion.

224. Mr. Issa Marti from Bongolulu proposed that complaints relating to offences in the Act should be reported to the Police.

225. Mr. Salaysa Tom from Kitui County stated that the NCIC should be given powers to take action against the perpetrators of violence and tribal conflicts.

Committee's Observation/Recommendation

The Committee adopted this proposal.

PART FOUR

4.0 SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House during the Committee Stage:

CHAPTER FOUR

SCHEDULE OF PROPOSED AMENDMENTS

The Committee proposed the following amendments to be considered by the House during the Committee Stage:

CLAUSE 2

THAT clause 2 of the Bill be amended by inserting the following new definitions in proper alphabetical sequence—

“discrimination” means the process of making unfair or prejudicial distinctions between people based on the groups, classes, or other categories to which they belong or are perceived to belong, such as race, gender, age, and religion;

“affirmative action” means a set of procedures designed to; eliminate unlawful discrimination among applicants, remedy the results of such prior discrimination, and prevent such discrimination in the future.

CLAUSE 5

THAT clause 5 of the Bill be amended by inserting the following new paragraphs immediately after paragraph (j) —

(k) oversee the implementation of peace building projects by—

- (i) developing a monitoring and tracking mechanism for all peace building projects in the country;
- (ii) developing ethical standards to be adhered to by persons involved in peace building projects;
- (iii) undertaking research and analysing and disseminating information critical gaps and strategic priorities relevant to peace building in any particular region;
- (iv) systematically collecting information on lessons learnt in peace building;
- (v) advising persons involved in peace building projects on best practices for achieving lasting cohesion and integration in any particular area;
- (vi) advising the national and county governments on the most appropriate peace building interventions based on the existing circumstances of the local communities;
- (vii) encouraging national and county governments to allocate funding for peace-building initiatives;
- (viii) taking measures to ensure that there is harmony in peace-building projects undertaken in any particular area;
- (ix) taking measures to ensure that persons involved in peace-building projects in the counties do not instigate, perpetuate or deepen instability or strife in any area;
- (l) set standards to be adhered to by persons involved in the implementation of peace-building projects;
- (m) investigate complaints of ethnic or racial discrimination and make recommendations to the Attorney-General, the Kenya National Commission on Human Rights Commission or any other relevant authority on the remedial measures to be taken where such complaints are valid; and
- (n) investigate on its own accord or on request from any institution, office, or person any issue affecting ethnic and racial relations;

THAT the Bill be amended by inserting the following new clause immediately after clause 6—

6A. (1) The Commission shall maintain a register of all peace-building projects within Kenya. Register of peace

(2) A person who intends to engage in a peace-building project in Kenya shall notify the Commission of the project and give the following details about the project— building projects.

- (a) a description of the peace-building project or activity that the applicant intends to undertake;
- (b) a statement of the place where the peace building project is to be carried out and the targeted community;
- (c) a schedule of activities proposed to be undertaken under the peace building project;
- (d) the time-frame of the peace building project;
- (e) the source of financing for the project;
- (f) a statement as to whether there is any conflict of interest;
- (g) a statement as to whether the applicant has carried out any other peace building project within the targeted community and the outcome of that peace building project;
- (h) the names of the officers in charge of the peace building project; and
- (i) any other information that the Commission may require.

CLAUSE 8

THAT Clause 8 of the Bill be amended—

- (a) by renumbering the existing provision as paragraph (a)
- (b) by inserting the following new paragraph immediately after the proposed new paragraph (a)—

(b) Power to compel the attendance of witnesses to the commission

A person who fails to obey summons for the attendance as a witness or other persons or for the production of books, plans and other documents or who, having complied, refuses or fails to give his or her correct name and address and to answer truthfully all questions that may be lawfully put to him or her commits an offence and shall be liable on

conviction to a fine not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

Justification

To empower the commission to compel witnesses to comply with their summons.

CLAUSE 14

THAT clause 14 of the Bill be amended in subclause (3) by inserting the word “temporarily” immediately after the words “who shall”.

CLAUSE 17

THAT the Bill be amended by deleting and clause 17 of the Bill be amended Removal from office. by deleting and substituting therefor the following new clause—

17. (1) A member of the commission, other than an *ex officio* member, may be removed from office only for—

(a) serious violation of the Constitution or any other law, including a contravention of Chapter Six;

(b) gross misconduct, whether in the performance of the member’s or functions or otherwise;

(c) physical or mental incapacity to perform the functions of office;

(d) incompetence; or

(e) bankruptcy.

(2) A person desiring the removal of a member of a commission on any ground specified in clause (1) may present a petition to the National Assembly setting out the alleged facts constituting that ground.

(3) The National Assembly shall consider the petition and, if it is satisfied that it discloses a ground under clause (1), shall send the petition to the President.

(4) On receiving a petition under subsection (3), the President—

(a) may suspend the member or office holder pending the outcome of the complaint; and

(b) shall appoint a tribunal in accordance with clause (5).

- (5) The tribunal shall consist of—
- (a) a person who holds or has held office as a judge of a superior court, who shall be the chairperson;
 - (b) at least two persons who are qualified to be appointed as High Court judges; and
 - (c) one other member who is qualified to assess the facts in respect of the particular ground for removal.
- (6) The tribunal shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the President, who shall act in accordance with the recommendation within thirty days.
- (7) A person suspended under this Article is entitled to continue to receive one half of the remuneration and benefits of the office while suspended.

Justification

To provide a clear process of removal of a Commissioner.

3. CLAUSE 47

THAT clause 47 of the Bill be amended—

- (a) by deleting the marginal notes and substituting the following new marginal note—
“hate speech”;
- (b) by deleting sub-clause (1) and substituting therefor the following new subclause—
 - 1. A person who—
 - (a) uses threatening, abusive, insulting, vilifying words or behaviour, displays any written material or disseminates any ideas based on ethnic superiority;
 - (b) uses coded language, acts or makes gestures;
 - (c) publishes, posts or distributes material in the print, electronic or social media;

- (d) presents or directs the public performance of a play with gestures depicting ethnic hatred;
- (e) distributes, shows or plays a recording of visual images or provides, produces or directs a programme which—
 - (i) depicts ethnic propaganda or stereotyping; or
 - (ii) contains gestures depicting ethnic hatred; or
 - (iii) is threatening, abusive, insulting or vilifies others or involves the use of threatening, abusive, insulting or vilifying words or behaviour;
- (f) wears or engages in the display of clothing, signs, flags, emblems and insignia, with the intention to incite or stir up ethnic hatred or having regard to all the circumstances, ethnic hatred or social strife is likely to be stirred up, or social cohesion is likely to be disrupted, or show serious contempt for, or severe ridicule of, or incite acts of violence towards a person or group of persons, or towards any property of that person or group of persons, commits an offence.

Justification

For the expansion of the definition of the offence of hate speech to include coded language, vilification of others e.t.c.

CLAUSE 60

4. **THAT** Clause 60 of the Bill be amended by inserting the following new subclauses immediately after subclause (1);
 - (3) The chairperson of the Commission may establish hearing panels each consisting of three members of the Commission to deal with, hear and determine the complaints admitted for hearing.
 - (4) The panels established under subsection (2) shall exercise all the powers and shall perform all the duties and functions of the Commission in relation to any matter before the panel.

(5) Members of a panel established under subsection (2) may, if necessary, consult with other members of the Commission for purposes of ensuring consistency of decisions of the Commission.

CLAUSE 70

THAT Clause 70 of the Bill be amended by deleting subclause (3).

Justification

The commission should carry out recommendations to the relevant agencies for action and then file its report to parliament. The relevant agency to which the report was filed will then be accountable to the parliament as to what they did with the report. The Committee adopted this provision.

CLAUSE 84

THAT clause 84 of the Bill be amended—

(a) by deleting subclause (1) and substituting therefore the following new subclause—

The Commission may in consultation with the Cabinet Secretary make regulations for the effective implementation of this Act.

(b) in subclause (2) by deleting the words “Cabinet Secretary” appearing before the word “shall” and substituting therefor the word “Commission”

Justification

To vest powers of making regulation on the Commission.

PART VIII-TRANSITIONAL PROVISIONS

THAT clause 85 of the Bill be amended by deleting the marginal note and substituting the following new marginal note “Repeal of Cap. 7N”.

Justification

To align with the Revision of the Laws Order, 2023 on revision of laws.

PART FIVE

5.0 COMMITTEE OBSERVATIONS

226. Upon reviewing the Bill and the submissions received, the Committee made the following observations—

- (a) The Bill seeks to repeal and replace the National Cohesion and Integration Act, 2008 to align with the current constitutional dispensation and structure of government by giving effect to Articles 10 and 27 of the Constitution;
- (b) Extensive public participation was conducted including public hearings in various counties and invitations for written submissions from stakeholders and the public, reflecting compliance with Article 118 (1) (b) of the Constitution and Standing Order 127;
- (c) The Bill provides a framework on the objectives and functions of the NCIC, establishment of the Commission, ethnic discrimination, victimization, harassment, discrimination in employment, hate speech and other areas related to national cohesion and integration;
- (d) There was significant debate regarding the appropriate term of office for the Chairperson and members of the Commission, with proposals varying between a three-year term and a six-year term;

Committee's Observation/Recommendation

The Committee observed that splitting the term of commissioners into a three-year term with a possibility of re-appointment for one further term offers a balanced approach that enhances accountability, flexibility, motivation, and public trust. The Proposal was therefore rejected.


- (e) The Bill's provisions on promoting ethnic diversity in public employment received broad support. However, some stakeholders recommended implementing stricter limits on the percentage of employees that can be hired from a single ethnic community to enhance inclusivity and representation; and
- (f) The passage of the Bill is a crucial step towards promoting national unity, non-discrimination and peace building in Kenya. However, there is need for clear


implementation mechanisms, monitoring and evaluation strategies and public awareness initiatives at the lowest level to ensure its success.

PART FIVE

6.0 COMMITTEE RECOMMENDATIONS

227. The Committee, having considered the National Cohesion and Integration Bill (*National Assembly Bill 74 of 2023*) recommends that the House approves the Bill with amendments as proposed in Part four of this report.

SIGNED:  DATE: 19/09/2024
HON. YUSSUF ADAN HAJI, MP
CHAIRPERSON
COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 19 SEP 2024	
DAY: THURSDAY	
TABLED BY:	HON. YUSSUF HAJI, MP CHAIRPERSON, COMMITTEE ON NATIONAL COHESION & EQUAL OPPORTUNITY
CLERK-AT THE-TABLE:	VIVIAN WAMBUI

**ANNEXURE 1: ADOPTION
SCHEDULE FOR THE REPORT**



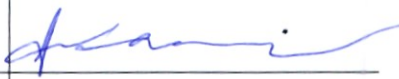








COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY
CONSIDERATION OF THE REPORT ON THE NATIONAL COHESION &
INTEGRITY BILL, NO. 74 OF 2023

Date 01/08/2024 Venue COMMITTEE RM. 24


Start Time 10:20am Time Ended 11:30 am

Agenda Adoption of the National Cohesion & Integration Bill. 74 of 2023.

No.	NAME	SIGNATURE
1.	The Hon. Yussuf Adan Haji, DSM, MP -Chairperson	
2.	The Hon. Liza Chelule Chepkorir, MP. -Vice Chairperson	
3.	The Hon. Yusuf Hassan Abdi, MP	
4.	The Hon. Charles Kamuren, MP.	
5.	The Hon. Charles Ong'ondo Were, MP.	
6.	The Hon. Edward Kaunya Oku, MP.	
7.	The Hon. Joseph Samal Lomwa MP.	
8.	The Hon. Martin Peters Owino MPH, MP.	
9.	The Hon. Eng. Paul Nzengu, MP.	
10.	The Hon. Agnes Pareyio Mantaine, MP.	
11.	The Hon. Duncan Maina Mathenge, MP.	

No.	NAME	SIGNATURE
12.	The Hon. Fredrick Lusuli Ikana, MP.	
13.	The Hon. Irene Nyakerario Mayaka, MP.	
14.	The Hon. Jane Wangechi Kagiri, OGW, MP.	
15.	The Hon. Joseph Iraya Wainaina OGW, MP.	
16.	The Hon. Joseph Hamisi Denar, MP.	
17.	The Hon. Mary Maingi, MP.	
18.	The Hon. Muthoni Marubu, MP.	
19.	The Hon. Onesmus Ngogoyo Nguro, MP.	
20.	The Hon. Teresia Wanjiru Mwangi, MP.	

Prepared by: Angelino Hosenan Committee Clerk on 07/08/24 Signature 

Approved By _____ Date: 06/8/24 Signature 

DIRECTOR- AUDIT, APPROPRIATION AND GENERAL PURPOSE COMMITTEES

**ANNEXURE 2: MINUTES OF THE
COMMITTEE'S SITTINGS**

MINUTES OF THE 31ST SITTING OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY HELD ON THURSDAY 1ST AUGUST 2024 IN COMMITTEE ROOM 24, 5TH FLOOR, BUNGE TOWER AT 10: 00 A. M

PRESENT

1. The Hon. Yussuf Adan Haji DSM, MP. - **Chairperson**
2. The Hon. Liza Chelule Chepkorir, MP. - **Vice Chairperson**
3. The Hon. Yusuf Abdi Hassan, MP.
4. The Hon. Charles Ong'ondo Were, MP.
5. The Hon. Charles Kamuren, MP.
6. The Hon. (Dr.) Joseph Iraya Wainaina OGW, MP
7. The Hon. Mary Maingi, MP.
8. The Hon. Edward Kaunya Oku, MP.
9. The Hon. Eng. Paul Nzengu, MP.
10. The Hon. Agnes Pareyio Mantaine, MP
11. The Hon. Fredrick Lusuli Ikana, MP.
12. The Hon. Onesmus Ngogoyo Nguro, MP.

APOLOGIES

1. The Hon. Martin Peters Owino MPH, MP.
2. The Hon. Irene Nyakerario Mayaka, MP.
3. The Hon. Jane Wangechi Kagiri, OGW, MP
4. The Hon. Joseph Samal Lomwa, MP.
5. The Hon. Duncan Maina Mathenge, MP.
6. The Hon. Joseph Denar Hamisi,MP.
7. The Hon. Muthoni Marubu, MP
8. The Hon. Teresia Wanjiru Mwangi, MP.

IN ATTENDANCE

SECRETARIAT

1. Ms. Audrey Andala - Legal Counsel II
2. Ms. Mercylyne Kerubo - Audio Officer
3. Mr. Alex Amwata - Hansard Reporter
4. Ms. Lilian Aluga - Public Communications Officer
5. Mr. Luka Mutua - Serjeant-at-Arms

MIN.NO. /NCEO/2024/173: PRELIMINARIES

The meeting was called to order at 10:00 am and the prayers were said by the Hon. Yussuf Adan Haji DSM, MP.

MIN.NO. /NCEO/2024/174: CONSIDERATION AND ADOPTION OF THE NATIONAL COHESION AND INTEGRITY BILL NO. 74 OF 2023 PUBLIC PARTICIPATION REPORT

The committee members were taken through the various issues or additions proposed by the different stakeholders of the National Cohesion and Integration Bill by the legal counsel. Members sought to review the valuable input on the National Cohesion and Integrity Bill, 2023 (National Assembly Bills No. 74 of 2023) The committee members deliberated on these suggestions as follows:

1. **The Executive Office of the President** proposed that the Bill cannot “give effect” to Articles 10 & 27 on only two (2) National values and principles of Governance. Instead, it should focus on promoting national values specific to the Commission’s mandate which include: national unity, inclusiveness, quality, equity and non-discrimination. The Committee observed that the Bill gives effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination. Article 10 and 27 addresses national unity, inclusiveness, equity and non-discrimination and therefore the Committee rejected this proposal because the wording in the Bill is clear.
2. **Ethics and Anti-Corruption Commission (EOP):** Proposed the deletion of Clause 5(f), arguing that the National Cohesion and Integration Commission (NCIC) should not be vested with the authority to create policies. The committee members, however, disagreed with this proposal. They maintained that the NCIC should retain the power to formulate policies, which would then be forwarded to the relevant state department or cabinet secretary.
3. **National Cohesion and Integration Commission (NCIC):** Suggested amendments to Clause 60(2) to provide for a procedure of hearing a matter where conciliation has failed which the committee members agreed to. They also proposed increasing the fine for violating the NCI Bill to one million. However, the committee members resolved to retain the fine at Kshs. 500,000/=, considering it more attainable for most Kenyans.
4. **Office of the Attorney General:** Recommended including a provision for education and public awareness campaigns on national cohesion within the Bill. The committee members agreed to incorporate this provision.

5. **National Gender and Equality Commission (NGEC):** Proposed revising the definition of cohesion to include inter-tribe discrimination occurring within a tribe. The committee members agreed to this amendment. Additionally, NGEC suggested replacing exceptions of discrimination with affirmative action. The committee members decided to retain the clause as it stands, noting the lack of a definition or aspect of positive discrimination in the Bill.
6. **National Police Service:** Advocated for maintaining the chair position of the NCIC commission at three years, as stipulated in the Bill. They also recommended amending Clause 14(3) to explicitly state that the vice chair assumes the chair's seat temporarily when vacant. The committee members agreed to these proposals.
7. **Office of the Director of Public Prosecutions (ODPP):** Suggested that the provision regarding the removal of a commissioner be aligned with Article 251(6) of the Constitution, with the Cabinet Secretary being responsible for forwarding the petition to Parliament. The committee members agreed to adjust this provision accordingly. Additionally, concerns were raised about Clause 49(1), which lacked clarity on how the seriousness of complaints under the NCI Bill is determined. The committee members agreed to include guidelines for this and to establish investigation panels for conducting hearings or investigations.

Committee Resolution

The Committee resolved to adopt the report with the amendments as proposed by the Committee. Hon. Eng. Paul Nzengu, MP proposed for the adoption of the report and was seconded by Hon. Agnes Pareyio Mantaine, MP.

MIN.NO. /NCEO/2024/175: ANY OTHER BUSINESS

The committee members requested for talking points on the Bill to be shared with them to be used to support the Bill during the Parliamentary house session.

MIN.NO. /NCEO/2024/176: ADJOURNMENT

There being no other business, the meeting was adjourned at 11:30 AM.

SIGNED.......... DATE 13/08/24.....

HON. YUSSUF ADAN HAJI, DSM, MP
CHAIRPERSON

MINUTES OF THE 22ND SITTING OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY HELD ON MONDAY, 22ND APRIL 2024 IN THE MT. KENYA CONFERENCE ROOM, FOUR POINTS BY SHERATON NAIROBI AIRPORT AT 9:30 AM

PRESENT

- | | | |
|---|---|-------------------------|
| 1. The Hon. Yussuf Adan Haji DSM, MP. | - | Chairperson |
| 2. The Hon. Liza Chelule Chepkorir, MP. | - | Vice Chairperson |
| 3. The Hon. Yusuf Abdi Hassan, MP | | |
| 4. The Hon. Eng. Paul Nzengu, MP. | | |
| 5. The Hon. Duncan Maina Mathenge, MP. | | |
| 6. The Hon. Fredrick Lusuli Ikana, MP. | | |
| 7. The Hon. (Dr.) Joseph Iraya Wainaina OGW, MP | | |
| 8. The Hon. Jane Wangechi Kagiri, OGW, MP | | |
| 9. The Hon. Mary Maingi, MP. | | |
| 10. The Hon. Onesmus Ngogoyo Nguro, MP. | | |

APOLOGIES

1. The Hon. Harrison Garama Kombe, MP.
2. The Hon. Charles Kamuren, MP.
3. The Hon. Charles Ong'ondo Were, MP.
4. The Hon. Edward Kaunya Oku, MP.
5. The Hon. Martin Peters Owino MPH, MP
6. The Hon. Joseph Samal Lomwa, MP.
7. The Hon. Agnes Pareyio Mantaine, MP
8. The Hon. Joseph Denar Hamisi, MP.
9. The Hon. Irene Nyakerario Mayaka, MP.
10. The Hon. Muthoni Marubu, MP.
11. The Hon. Teresia Wanjiru Mwangi, MP

SECRETARIAT

- | | | |
|-------------------------|---|-------------------------------|
| 1. Ms. Naserian Lotuái | - | Clerk Assistant I |
| 2. Ms. Kathleen Nanzala | - | Clerk Assistant III |
| 3. Ms. Audrey Andala | - | Legal Counsel II |
| 4. Ms. Joanne Naneu | - | Research Officer III |
| 5. Mr. John Nganga | - | Audio Officer |
| 6. Mr. Peter Atsiaya | - | Media Relations Officer |
| 7. Mr. Alex Amwata | - | Hansard Reporter |
| 8. Ms. Lilian Aluga | - | Public Communications Officer |
| 9. Mr. Oscar Odima | - | Intern |
| 10. Mr. Luka Mutua | - | Serjeant-at-Arms |

IN ATTENDANCE

NATIONAL COHESION AND INTEGRATION COMMISSION

1. Rev. (Dr) Samuel Kobia - Chairperson
2. Ms. Wambui Nyutu - Vice Chairperson
3. Hon. Abdulaziz Farah - Commissioner
4. Hon. Dorcas Kedogo - Commissioner
5. Hon. Eng. Paul Okundi - Commissioner
6. Mr. Sam Kobia - Commissioner
7. Dr. Danvas Makori - Commissioner
8. Mr. Harrison Kariuki - Chief Executive Officer
9. Mr. Guyo Liban - Deputy Director, Peacebuilding and Reconciliation
10. Mr. Kyalo Mweni - Deputy Director, Legal Services
11. Mr. James Wanyande - Principal Legal Officer
12. Mr. Jackson Mwikamba - Principal Legal Officer
13. Ms. Mary Kabiru - Principal Program Officer

NATIONAL COALITION ON FREEDOM OF EXPRESSION AND CONTENT MODERATION IN KENYA (FECOMO)

1. Mr. John Okande - UNESCO (Program Coordinator)
2. Mr. Caleb Gichuhi - Build Up (Africa lead)
3. Ms. Catherine Mbui - Article 19 EA (Lead Civic Space)
4. Ms. Ruth Owino - FECOMO Kenya

MIN.NO. /NCEO/2024/120: PRELIMINARIES

The meeting was called to order at 10:00 am. and prayers said by Hon. Fredrick Ikana Lusuli, M.P.

MIN.NO. /NCEO/2024/121: CHAIRPERSON'S REMARKS

The Chairperson welcomed the Commission and its partners to the retreat and thanked the Commission for organizing it. He explained that the retreat's agenda was to discuss the memoranda from the Commission and its Partners on the National Cohesion and Integration Bill, 2023. He stated that the Bill was important in enhancing national cohesion and integration, ensuring that all citizens feel included and valued in the nation's social fabric.

The Chairperson emphasized the significance of constructive dialogue and collaboration among all stakeholders to ensure the effective implementation of the Bill's provisions. He encouraged active participation and constructive feedback from all attendees to enrich the discussions and contribute to developing comprehensive and inclusive legislation.

MIN.NO. /NCEO/2024/122: REMARKS FROM THE NATIONAL COHESION AND INTEGRATION COMMISSION CHAIRPERSON

Rev. Dr. Samuel Kobia, the Chairperson of the Commission, emphasized the aims of the retreat. He pointed out that the Commission, alongside its partners from the National Coalition on Freedom of Expression and Content Moderation in Kenya (FECOMO Kenya), identified a gap in the Bill concerning misinformation and fake news, which is presently a concern in the country.

Dr. Kobia highlighted that the memoranda from NCIC and FECOMO-Kenya aimed to propose amendments to the Bill to tackle the challenges posed by digital technology advancements. Further, the Commission's memorandum intended to align the Bill with the National Cohesion and Integration Policy and to enhance the enforcement and compliance mechanisms of the Act.

The Chairperson also remarked on NADCO's recommendation to merge NCIC with the KNHRC and NGEN, expressing concern that such a move would significantly affect the Commission's independence and functioning.

MIN.NO. /NCEO/2024/123: MEMORANDUM BY FECOMO-KENYA ON THE NATIONAL COHESION AND INTEGRATION BILL, 2023

FECOMO, a collaborative initiative aimed at fostering a digital ecosystem where freedom of expression is upheld in alignment with international human rights standards, appeared before the Committee to make recommendations to enhance the Bill in line with freedom of expression, content moderation and peacebuilding.

FECOMO made the following recommendations –

- (a) **Clarify key terms** – the Bill should define key terms such as 'negative ethnicity', 'discrimination' and 'victimization'. The definitions of terms like ethnic group, ethnic grounds and ethnic relations in the Bill are contradictory and need streamlining.
- (b) **Define "Hate Speech"**- the Bill lacks a definition for hate speech as it was in the 2008 Act. The hate speech provision is now defined as ethnic or racial contempt which lacks legal certainty.
- (c) **Streamline clauses** – Remove Clause 39 on ethnic victimization which is ambiguous and duplicative. Instead, merge these with Clause 72(a).

- (d) **Mainstream inclusivity** – Account for and provide inclusive formats/ modes of communication for persons with disabilities during the complaints handling process.
- (e) **Forms of discrimination** – the Bill does not account for other forms of discrimination such as gender, disability, socio-economic and marital status.
- (f) **Freedom of expression** – the Bill should explicitly mention and enshrine the freedom of expression in its formulation.

Committee resolution

The Committee resolved that FECoMo should resubmit the memoranda specifying the exact clauses for which it proposed amendments and providing the proposed new amendments for consideration.

MIN.NO. /NCEO/2024/124: ADJOURNMENT

The meeting was adjourned at 11:30 a.m. The next meeting will be the same day at noon.

SIGNED.......... DATE 6/05/2024

HON. YUSSUF ADAN HAJI, DSM, MP
CHAIRPERSON



MINUTES OF THE 23RD SITTING OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY HELD ON MONDAY, 22ND APRIL 2024 IN THE MT. KENYA CONFERENCE ROOM, FOUR POINTS BY SHERATON NAIROBI AIRPORT AT 12 NOON

PRESENT

1. The Hon. Yussuf Adan Haji DSM, MP. - Chairperson
2. The Hon. Liza Chelule Chepkorir, MP. - Vice Chairperson
3. The Hon. Yusuf Abdi Hassan, MP
4. The Hon. Charles Ong'ondo Were, MP.
5. The Hon. Edward Kaunya Oku, MP.
6. The Hon. Eng. Paul Nzengu, MP.
7. The Hon. Duncan Maina Mathenge, MP.
8. The Hon. Fredrick Lusuli Ikana, MP.
9. The Hon. Jane Wangechi Kagiri, OGW, MP
10. The Hon. Joseph Denar Hamisi, MP.
11. The Hon. Irene Nyakerario Mayaka, MP.
12. The Hon. Muthoni Marubu, MP.
13. The Hon. Mary Maingi, MP.

APOLOGIES

1. The Hon. Harrison Garama Kombe, MP.
2. The Hon. Charles Kamuren, MP.
3. The Hon. Martin Peters Owino MPH, MP
4. The Hon. Joseph Samal Lomwa, MP.
5. The Hon. Agnes Pareyio Mantaine, MP
6. The Hon. (Dr.) Joseph Iraya Wainaina OGW, MP
7. The Hon. Onesmus Ngogoyo Nguro, MP.
8. The Hon. Teresia Wanjiru Mwangi, MP

SECRETARIAT

1. Ms. Naserian Lotuai - Clerk Assistant I
2. Ms. Kathleen Nanzala - Clerk Assistant III
3. Ms. Audrey Andala - Legal Counsel II
4. Ms. Joanne Naneu - Research Officer III
5. Mr. John Nganga - Audio Officer
6. Mr. Peter Atsiaya - Media Relations Officer
7. Mr. Alex Amwata - Hansard Reporter
8. Ms. Lilian Aluga - Public Communications Officer
9. Mr. Oscar Odima - Intern
10. Mr. Luka Mutua - Serjeant-at-Arms

IN ATTENDANCE

NATIONAL COHESION AND INTEGRATION COMMISSION

1. Rev. (Dr) Samuel Kobia - Chairperson
2. Ms. Wambui Nyutu - Vice Chairperson
3. Hon. Abdulaziz Farah - Commissioner
4. Hon. Dorcas Kedogo - Commissioner
5. Hon. Eng. Paul Okundi - Commissioner
6. Mr. Sam Kobia - Commissioner
7. Dr. Danvas Makori - Commissioner
8. Mr. Harrison Kariuki - Chief Executive Officer
9. Mr. Guyo Liban - Deputy Director, Peacebuilding and Reconciliation
10. Mr. Kyalo Mwengi - Deputy Director, Legal Services
11. Mr. James Wanyande - Principal Legal Officer
12. Mr. Jackson Mwikamba - Principal Legal Officer
13. Ms. Mary Kabiru - Principal Program Officer

NATIONAL COALITION ON FREEDOM OF EXPRESSION AND CONTENT MODERATION IN KENYA (FECOMO)

1. Mr. John Okande - UNESCO (Program Coordinator)
2. Mr. Caleb Gichuhi - Build Up (Africa lead)
3. Ms. Catherine Mbui - Article 19 EA (Lead Civic Space)
4. Ms. Ruth Owino - FECOMO Kenya

MIN.NO. /NCEO/2024/125: PRELIMINARIES

The meeting was called to order at 12:30 pm. and prayers said by Hon. Fredrick Ikana Lusuli, M.P.

MIN.NO. /NCEO/2024/126: MEMORANDUM BY THE NATIONAL COHESION AND INTEGRATION COMMISSION ON THE NATIONAL COHESION AND INTEGRATION BILL,2023

The Commission's Deputy Director of Legal Services, Mr. Kyalo Mwengi submitted the comments and proposals of the NCIC on the Bill.

NCIC made the following comments and recommendations on the Bill –

1. The NCIC be anchored in the Constitution under Article 59. NCIC notes that Article 59 allows Parliament to restructure the Article 59 Commission into two or more separate commissions and the NCIC can be one of such commissions. A constitutional anchoring will strengthen the work of the Commission and grant it the much-required independence it requires.

2. NCIC also notes the need to re-arrange some of the clauses in the proposed bill. The rearrangement will provide a better flow to the legislation as well as clarity. For example, the contents of Clause 48 on exemption to discrimination are better suited to appear after Clause 46.
3. Amendment of Clause 5 of the Bill to provide for the peacebuilding function of the Commission. This is because the long title as well as Clause 2 of the Bill introduces the term peacebuilding but the subsequent clauses of the Bill do not specify the Commission's peacebuilding function.
4. NCIC also recommends the retention of functions as envisaged in the NCI Act No. 12 of 2008 especially as it relates to;
 - a. Investigating complaints of ethnic or racial discrimination
 - b. Investigating on its own accord or request from any institution, any issue affecting ethnic and racial discrimination
5. Retain the powers of the Commission as envisaged in the NCI Act Section 26(2)(a) and (b). The power to name and shame has been instrumental to the Commission in discharging its functions.
6. Clause 8: NCIC recommends the introduction of a new provision in the clause to give the commission power to compel the attendance of witnesses.
7. NCIC recommends that the words 'administered by a Commissioner' be removed from Clause 10(2). The term administer as proposed may cause a conflict between the Commissioner and the Chief Executive Officer of the Commission with reference to their functions.
8. Clause 15: NCIC recommends that the current provision that provides for a single term of Six years be retained. This is to align the act with Constitutional provisions on Commissions.
9. Clause 17: NCIC recommends that the bill adopts the provisions of the Constitution with regards to removal from office of the Chairperson or Commissioners. This is to align the provisions of Article 251 of the Constitution.
10. Clause 24: NCIC recommends that there be included qualifications for the person seeking to be Secretary to the Commission. The qualifications should include;
 - (a) Holds a Masters from a university recognized in Kenya;
 - (b) At least ten years proven experience at the management level;
 - (c) Has extensive experience in public administration and/or public service.

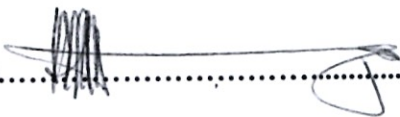
11. Clause 47: NCIC recommends that the Bill retains the offence of hate speech as per the current Act. NCIC also recommends the expansion of the definition of the offence of hate speech to include coded language, vilification of others etc.
12. Clause 60: NCIC recommends the provision of a procedure for hearing a matter where conciliation has failed.
13. Clause 72: NCIC recommends enhancement of the penal provisions to a fine of one million shillings or to imprisonment for a term not exceeding three years”.
14. Clause 84: NCIC recommends that the power to make regulations should be given to the Commission in consultation with the Cabinet Secretary. The NCIC proposal will allow the NCIC to lead the process of preparation of regulations.

Committee resolution

The Committee deliberated on the proposals put forward by the Commission and resolved to schedule additional discussions with NCIC after conducting public hearings on the Bill.

MIN.NO. /NCEO/2024/127: ADJOURNMENT

The meeting was adjourned at 2:30 pm. The next meeting will be on notice.

SIGNED.......... DATE6/05/2024.....

HON. YUSSUF ADAN HAJI, DSM, MP

CHAIRPERSON

MINUTES OF THE 17TH SITTING OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY HELD ON TUESDAY, 9TH APRIL 2024 IN THE NGCDF BOARDROOM, 10TH FLOOR, HARAMBEE SACCO PLAZA AT 10:00 AM

PRESENT

1. The Hon. Yussuf Adan Haji DSM, MP. - Chairperson
2. The Hon. Liza Chelule Chepkorir, MP. - Vice Chairperson
3. The Hon. Yusuf Abdi Hassan, MP
4. The Hon. Charles Ong'ondo Were, MP.
5. The Hon. Charles Kamuren, MP.
6. The Hon. Martin Peters Owino MPH, MP
7. The Hon. Fredrick Lusuli Ikana, MP.
8. The Hon. Joseph Denar Hamisi,MP.
9. The Hon. (Dr.) Joseph Iraya Wainaina OGW, MP

APOLOGIES

1. The Hon. Harrison Garama Kombe, MP.
2. The Hon. Edward Kaunya Oku, MP.
3. The Hon. Eng. Paul Nzengu, MP.
4. The Hon. Joseph Samal Lomwa, MP.
5. The Hon. Duncan Maina Mathenge, MP.
6. The Hon. Agnes Pareyio Mantaine, MP
7. The Hon. Irene Nyakerario Mayaka, MP.
8. The Hon. Jane Wangechi Kagiri, OGW, MP
9. The Hon. Mary Maingi, MP.
10. The Hon. Onesmus Ngogoyo Nguro, MP.
11. The Hon. Muthoni Marubu, MP.
12. The Hon. Teresia Wanjiru Mwangi, MP

SECRETARIAT

1. Ms. Naserian Lotuai - Clerk Assistant I
2. Ms. Kathleen Nanzala - Clerk Assistant III
3. Ms. Audrey Andala - Legal Counsel II
4. Ms. Joanne Naneu - Research Officer III
5. Mr. John Nganga - Audio Officer
6. Mr. Peter Atsiaya - Media Relations Officer
7. Ms. Lilly Aluga - Public Communications Officer
8. Mr. Oscar Odima - Intern

MIN.NO. /NCEO/2024/094: PRELIMINARIES

The meeting was called to order at 10:20 a.m. and prayers said by the Hon. Liza Chelule, MP.

MIN.NO. /NCEO/2024/095: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed and seconded by Hon. Martin Peters Owino, MP and Hon. Joseph Denar Hamisi, MP. respectively.

MIN.NO. /NCEO/2024/096: CONFIRMATION OF MINUTES

The Minutes of the 16th sitting were confirmed as a true record of the proceedings after being proposed and seconded by Hon. Charles Kamuren, MP and Hon. Martin Peters Owino, MP respectively.

MIN.NO. /NCEO/2024/097: MEETING WITH THE ACTING CHIEF EXECUTIVE OFFICER, KENYA MEDICAL SUPPLIES AUTHORITY (KEMSA) ON INQUIRY INTO EMPLOYMENT DIVERSITY

The Committee noted the absence of the Acting Chief Executive Officer in the meeting and resolved to reschedule the meeting to a later date.

MIN.NO. /NCEO/2024/098: BRIEF ON THE NATIONAL COHESION AND INTEGRATION BILL, 2023 (NATIONAL ASSEMBLY BILL 74 OF 2023)

The Chairperson invited the Legal Counsel to brief the Committee on the Bill which had been read for the first time on **20th March 2024** and referred to the Committee.

The Legal Counsel presented as follows: -

1. The principal object of the Bill is to provide for a coordinated structure for cohesion and peacebuilding in Kenya. The Bill also seeks to align the Act with the present constitutional dispensation and structure of government by repealing the National Cohesion and Integration Act (No. 12 of 2008), which was enacted before the Constitution.
2. Clause 1 of the Bill provides for the short title.
3. Clause 2 of the Bill provides the interpretation of the terms used in the Bill.
4. Clause 3 provides for the objective of the Act which is to give effect to Articles 10 and 27 of the Constitution, provide a framework for the promotion of national cohesion, unity and

peace-building and promote the values and principles of public service set out under Article 232 of the Constitution.

5. Clause 4 of the Bill provides for the establishment of the National Cohesion and Integration Commission.
6. Clause 5 provides for the functions of the Commission.
7. Clause 6 provides for the powers of the Commission.
8. Clause 7 provides the Commission with the power to summon witnesses and examine them under oath.
9. Clause 8 provides for the form of the summons to witnesses.
10. Clause 9 provides for the expenses of witnesses.
11. Clause 10 provides for the Headquarters of the Commission to be in Nairobi but mandates the Commission to establish nine regional offices in the country.
12. Clause 11 provides for the membership of the Commission which shall consist of the chairperson and eight other members nominated by the president and approved by the National Assembly.
13. Clause 12 provides for the qualification and disqualification for appointment of chairperson and members.
14. Clause 13 provides for the oath of office of the Chairperson and Members of the Commission
15. Clause 14 provides for the powers of the Chairperson.
16. Clause 15 provides for the term of Office of the Chairperson.
17. Clause 16 provides for the instances when an office of a member or Chairperson of the Commission can become vacant.
18. Clause 17 provides for the procedure for removal from office of the Chairperson or a Commissioner.
19. Clause 18 provides for the filling of a vacancy in the membership of the Commission.
20. Clause 19 authorises the Commission to establish committees for the better carrying out of its functions.
21. Clause 20 authorises the Commission to engage the services of such experts in respect of any of its functions in which the experts have a special competence.
22. Clause 21 provides for the procedure of the business and affairs of the Commission.
23. Clause 22 provides for delegation by the Commission.
24. Clause 23 provides for the terms and conditions of service.

25. Clause 24 provides for the appointment, term and qualification for the Secretary to the Commission.
26. Clause 25 provides for the grounds and procedure for the removal of the Secretary to the Commission.
27. Clause 26 provides for the staff of the Commission.
28. Clause 27 provides for the common seal of the Commission.
29. Clause 28 provides for protection from personal liability in cases where an officer is executing the functions of the Commission in good faith.
30. Clause 29 provides for liability for damages by the Commission.
31. Clause 30 provides for conflict of interest.
32. Clause 31 provides for the funds of the Commission.
33. Clause 32 provides for the annual estimates of the Commission.
34. Clause 33 provides for the financial year of the Commission which shall be twelve months ending on the 30th of June in each year.
35. Clause 34 provides for the accounts and audits of the Commission.
36. Clause 35 provides for the annual reports of the Commission.
37. Clause 36 provides for quarterly reporting by the Commission to the National Assembly.
38. Clause 37 of the Bill provides for the submission of a special report by the Commission to the National Assembly.
39. Clause 38 provides for the elements of ethnic discrimination.
40. Clause 39 provides for discrimination through victimization.
41. Clause 40 provides for harassment on the basis of ethnicity.
42. Clause 41 provides for discrimination in employment.
43. Clause 42 provides for the exceptions to discrimination in employment.
44. Clause 43 provides for discrimination in the membership of an organization.
45. Clause 44 provides for discrimination by other agencies.
46. Clause 45 provides for discrimination in access to and distribution of public resources.
47. Clause 46 provides for discrimination in property ownership, management and disposal.
48. Clause 47 provides for racial or ethnic contempt.
49. Clause 48 provides for exceptions to discrimination.
50. Clause 49 provides for matters that may be investigated by the Commission.
51. Clause 50 provides for complaints to the Commission.
52. Clause 51 provides for the process of lodging a complaint to the Commission.

53. Clause 52 provides for the complaints that the Commission may decline to entertain.
54. Clause 53 provides for an application to strike out a complaint.
55. Clause 54 of the Bill provides for the dismissal of a stale complaint.
56. Clause 55 provides for the referral of a matter by the Cabinet Secretary to the Commission where the matter raises an issue of important public policy.
57. Clause 56 provides for alternative dispute resolution mechanisms.
58. Clause 57 gives the Commission the power to refer complaints to conciliation.
59. Clause 58 provides for the conciliation process by the Commission.
60. Clause 59 provides for conciliation agreements.
61. Clause 60 provides for the process in instances where conciliation fails.
62. Clause 61 provides for special references.
63. Clause 62 provides for matters the compliance notices issued under Clause 69 of the Bill may contain.
64. Clause 63 addresses the enforcement of compliance notices by the Commission.
65. Clause 64 provides for prohibition notices by the Commission.
66. Clause 65 provides for investigations by the Commission. It authorises the Commission to conduct investigations pertaining to an inquiry and employ the services of a public officer or investigation agency of the government at the Commission's expense
67. Clause 66 provides for a notice of discontinuation of investigations.
68. Clause 67 provides for notice of investigation to an organization.
69. Clause 68 provides for the requirement that a person likely to be prejudiced or affected to be heard at any stage of an inquiry by the Commission.
70. Clause 69 provides for the actions to be taken by the Commission after an inquiry.
71. Clause 70 provides that a Commission shall after concluding an investigation or inquiry make a report to the state organ, public office or organization to which the investigation relates.
72. Clause 71 provides for the mode of conducting hearings of the Commission during an inquiry. The hearings shall be open to the public except where the Commission for justifiable reasons decides otherwise.
73. Clause 72 provides for the offences under the Act.
74. Clause 73 provides for offences by a body of persons.
75. Clause 74 of the Bill provides for the Code of Conduct for the Members and Staff of the Commission.

76. Clause 75 provides that this Act binds the Government.
77. Clause 76 provides for legal proceedings against the Commission which shall be subject to the Government Proceedings Act, Cap. 40.
78. Clause 77 provides for confidentiality of information by members and staff of the Commission.
79. Clause 78 provides for the protection of witnesses and information.
80. Clause 79 provides that a statement made by a person in the course of giving evidence before the Commission shall not subject such person to any civil or criminal liability except where such a statement is false.
81. Clause 80 provides for offences by members of staff of the Commission.
82. Clause 81 provides for reporting of improper orders.
83. Clause 82 provides for the general penalty for any person who commits an offence under this Act where no penalty is provided.
84. Clause 83 provides for review of the decision of the Commission.
85. Clause 84 of the Bill provides for the power to make regulations.
86. Clause 85 repeals of the National Cohesion and Integration Act, No.12 of 2008.
87. Clause 86 provides for the interpretation of the part where “former Commission” means the National Cohesion and Integration Commission established under the National Cohesion and Integration Act, 2008.
88. Clause 87 provides that the rights and obligations and contracts before coming into operation of this Act, vested or imposed on the former Commission shall by virtue of this section be deemed to be the rights, obligations and contracts of the Commission(now established).
89. Clause 89 of the Bill provides for the Secretary of the former Commission. It retains the person who was the Secretary of the former Commission as the Secretary of the Commission in accordance with the terms and conditions of their appointment.
90. Clause 90 of the Bill deems the staff of the former Commission who are not under notice
91. The First Schedule provides for the procedure for the appointment of Commissioners.
92. The Second Schedule provides for the oath/ affirmations of the chairperson /member/secretary pursuant to clause 13.
93. The Third Schedule provides for the provisions as to the conduct of business and affairs of the Commission.

Committee resolutions

The Committee resolved to undertake public hearings on the Bill in at least 2/3 of the counties from 6th to 10th May 2024.

The Chairperson reiterated that the Members should familiarise themselves with the Bill's contents before the Committee embarks on public participation.

MIN.NO. /NCEO/2024/099: ANY OTHER BUSINESS

The Committee noted that the Kenya Wildlife Service was undertaking recruitment for cadets and rangers at the County Level rather than the sub-county level, which may impact the equitable access to opportunities for candidates residing in remote areas within the counties.

The Committee resolved to invite the Service for a meeting on 16th April 2024 to assess the measures in place towards achieving equal opportunity in the recruitment process.

MIN.NO. /NCEO/2024/100: ADJOURNMENT

The meeting was adjourned at 11:30 a.m. The next meeting will be on notice.

SIGNED.......... DATE16/04/2024.....

HON. YUSSUF ADAN HAJI, DSM, MP
CHAIRPERSON

MINUTES OF THE 31ST SITTING OF THE COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY HELD ON THURSDAY 1ST AUGUST 2024 IN COMMITTEE ROOM 24, 5TH FLOOR, BUNGE TOWER AT 10: 00 A. M

PRESENT

1. The Hon. Yussuf Adan Haji DSM, MP. - **Chairperson**
2. The Hon. Liza Chelule Chepkorir, MP. - **Vice Chairperson**
3. The Hon. Yusuf Abdi Hassan, MP.
4. The Hon. Charles Ong'ondo Were, MP.
5. The Hon. Charles Kamuren, MP.
6. The Hon. (Dr.) Joseph Iraya Wainaina OGW, MP
7. The Hon. Mary Maingi, MP.
8. The Hon. Edward Kaunya Oku, MP.
9. The Hon. Eng. Paul Nzengu, MP.
10. The Hon. Agnes Pareyio Mantaine, MP
11. The Hon. Fredrick Lusuli Ikana, MP.
12. The Hon. Onesmus Ngogoyo Nguro, MP.

APOLOGIES

1. The Hon. Martin Peters Owino MPH, MP.
2. The Hon. Irene Nyakerario Mayaka, MP.
3. The Hon. Jane Wangechi Kagiri, OGW, MP
4. The Hon. Joseph Samal Lomwa, MP.
5. The Hon. Duncan Maina Mathenge, MP.
6. The Hon. Joseph Denar Hamisi, MP.
7. The Hon. Muthoni Marubu, MP
8. The Hon. Teresia Wanjiru Mwangi, MP.

IN ATTENDANCE

SECRETARIAT

1. Ms. Audrey Andala - Legal Counsel II
2. Ms. Mercylyne Kerubo - Audio Officer
3. Mr. Alex Amwata - Hansard Reporter
4. Ms. Lilian Aluga - Public Communications Officer
5. Mr. Luka Mutua - Serjeant-at-Arms

MIN.NO. /NCEO/2024/173: PRELIMINARIES

The meeting was called to order at 10:00 am and the prayers were said by the Hon. Yussuf Adan Haji DSM, MP.

MIN.NO. /NCEO/2024/174: CONSIDERATION AND ADOPTION OF THE NATIONAL COHESION AND INTEGRITY BILL NO. 74 OF 2023 PUBLIC PARTICIPATION REPORT

The committee members were taken through the various issues or additions proposed by the different stakeholders of the National Cohesion and Integration Bill by the legal counsel. Members sought to review the valuable input on the National Cohesion and Integrity Bill, 2023 (National Assembly Bills No. 74 of 2023) The committee members deliberated on these suggestions as follows:

1. **The Executive Office of the President** proposed that the Bill cannot “give effect” to Articles 10 & 27 on only two (2) National values and principles of Governance. Instead, it should focus on promoting national values specific to the Commission’s mandate which include: national unity, inclusiveness, quality, equity and non-discrimination. The Committee observed that the Bill gives effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination. Article 10 and 27 addresses national unity, inclusiveness, equity and non-discrimination and therefore the Committee rejected this proposal because the wording in the Bill is clear.
2. **Ethics and Anti-Corruption Commission (EOP):** Proposed the deletion of Clause 5(f), arguing that the National Cohesion and Integration Commission (NCIC) should not be vested with the authority to create policies. The committee members, however, disagreed with this proposal. They maintained that the NCIC should retain the power to formulate policies, which would then be forwarded to the relevant state department or cabinet secretary.
3. **National Cohesion and Integration Commission (NCIC):** Suggested amendments to Clause 60(2) to provide for a procedure of hearing a matter where conciliation has failed which the committee members agreed to. They also proposed increasing the fine for violating the NCI Bill to one million. However, the committee members resolved to retain the fine at Kshs. 500,000/=, considering it more attainable for most Kenyans.
4. **Office of the Attorney General:** Recommended including a provision for education and public awareness campaigns on national cohesion within the Bill. The committee members agreed to incorporate this provision.

5. **National Gender and Equality Commission (NGEC):** Proposed revising the definition of cohesion to include inter-tribe discrimination occurring within a tribe. The committee members agreed to this amendment. Additionally, NGEC suggested replacing exceptions of discrimination with affirmative action. The committee members decided to retain the clause as it stands, noting the lack of a definition or aspect of positive discrimination in the Bill.
6. **National Police Service:** Advocated for maintaining the chair position of the NCIC commission at three years, as stipulated in the Bill. They also recommended amending Clause 14(3) to explicitly state that the vice chair assumes the chair's seat temporarily when vacant. The committee members agreed to these proposals.
7. **Office of the Director of Public Prosecutions (ODPP):** Suggested that the provision regarding the removal of a commissioner be aligned with Article 251(6) of the Constitution, with the Cabinet Secretary being responsible for forwarding the petition to Parliament. The committee members agreed to adjust this provision accordingly. Additionally, concerns were raised about Clause 49(1), which lacked clarity on how the seriousness of complaints under the NCI Bill is determined. The committee members agreed to include guidelines for this and to establish investigation panels for conducting hearings or investigations.

Committee Resolution

The Committee resolved to adopt the report with the amendments as proposed by the Committee. Hon. Eng. Paul Nzengu, MP proposed for the adoption of the report and was seconded by Hon. Agnes Pareyo Mantaine, MP.

MIN.NO. /NCEO/2024/175: ANY OTHER BUSINESS

The committee members requested for talking points on the Bill to be shared with them to be used to support the Bill during the Parliamentary house session.

MIN.NO. /NCEO/2024/176: ADJOURNMENT

There being no other business, the meeting was adjourned at 11:30 AM.

SIGNED..... DATE

HON. YUSSUF ADAN HAJI, DSM, MP

CHAIRPERSON

**ANNEXURE 3: COPIES OF
NEWSPAPER ADVERTISEMENTS**



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY
OF THE NATIONAL COHESION AND INTEGRATION BILL, 2023
(NATIONAL ASSEMBLY BILL NO. 74)

INVITATION TO SUBMIT MEMORANDA

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and the National Assembly Standing Orders require House Committees considering Bills to facilitate public participation.

AND WHEREAS, the **National Cohesion and Integration Bill (National Assembly Bill No. 74)** was read a First Time on **Wednesday, 20th March 2024**, and referred to the relevant Committee for consideration and reporting to the House.

IT IS NOTIFIED, that the **National Cohesion and Integration Bill, 2023 (National Assembly Bill No. 74)** is a Bill sponsored by the **Chairperson of the Committee on National Cohesion and Equal Opportunity, Hon. Adan Haji Yusuf, MP**, which seeks to—

- Repeal and replace the National Cohesion and Integration Act, 2008 to align its provisions with the present constitutional dispensation and structure of government by giving effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination;
- Establish the National Cohesion and Integration Commission comprising a Chairperson and eight other members nominated by the President for appointment and approved by the National Assembly who are to serve for a three-year term, renewable once.
- Outline the functions of the Commission to include formulating and implementing strategies, to create public awareness on the importance of national unity; collaborating with institutions and stakeholders to give effect to the policies relating to cohesion, integration, and peacebuilding; recommending review and reform of practices, policies, and legislation relating to cohesion, integration, and peace-building; identifying factors inhibiting the attainment of harmonious relations among different ethnic communities; promoting equality and the elimination of all forms of discrimination; peaceful coexistence, tolerance, respect, understanding and acceptance of diversity in all aspects of life; researching and developing policies for the promotion of national values and principles of governance; fostering partnerships on peacebuilding and conflict management; and establishing early warning and early response systems on conflict.
- Outline the procedure of removal from office of a Commissioner by a resolution made by two-thirds of the Members of the National Assembly.
- Prescribe offences of ethnic discrimination: discrimination through victimisation; harassment on the basis of ethnicity; discrimination in employment; discrimination in the membership of an organisation; racial or ethnic contempt; and their attendant penalties and remedies.
- Outline the manner of lodging, processing, and settling complaints, including through alternative dispute resolution mechanisms such as peace committees, mediation committees, and traditional justice mechanisms; and
- Save and transit the existing Commission, its assets and liabilities, and the Commissioners and staff currently in office.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and the Standing Orders of the National Assembly, the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bill to the **Committee on National Cohesion and Equal Opportunity**

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842- 00100, and Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to ena@parliament.go.ke to be received on or before **Friday, 5th April 2024 at 5.00 p.m.**

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

21st March 2024



REPUBLIC OF KENYA
THIRTEENTH PARLIAMENT- THIRD SESSION (2024)
THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118(1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL
ASSEMBLY OF THE COUNTY LICENSING (UNIFORM
PROCEDURES) BILL, 2022 (SENATE BILL NO. 9 OF 2022)

INVITATION TO PUBLIC HEARINGS

WHEREAS, Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and National Assembly Standing Order 127(3) requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the County Licensing (Uniform Procedures) Bill (Senate Bill No. 9 of 2022) was Read a First Time on **Wednesday, 28th February 2024** and committed to the Departmental Committee on Trade, Industry and Cooperatives for consideration and reporting to the House.

IT IS NOTIFIED that the County Licensing (Uniform Procedures) Bill, 2022 (Senate Bill No. 9 of 2022) which is now **co-sponsored by the Leader of the Majority Party** seeks to provide for a national legislative framework of uniform procedures for the licensing of various activities by counties. The uniform procedures under the Bill seek to ensure certainty in the licensing process and encourage private-sector players to engage in business activities in the counties.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), the Departmental Committee on Trade, Industry and Co-operatives shall undertake **public hearings on the Bill in eight (8) counties** from **2nd to 6th April 2024** as per the schedule below—

S/NO.	COUNTY	VENUE	DATE	TIME
1.	Kisumu	Grace Onyango Social Hall	2 nd April, 2024	10.00 am
2.	Nairobi	KICC	2 nd April, 2024	10.00 am
3.	Kakamega	Kakamega Social Hall	3 rd April, 2024	10.00 am
4.	Nyeri	Nyeri Town CDF Hall	3 rd April, 2024	10.00 am
5.	Uasin Gishu	Eldoret Town Hall	4 th April, 2024	10.00 am
6.	Embu	Talent Academy	4 th April, 2024	10.00 am
7.	Kilifi	Mama Asha Jwaba Hall	6 th April, 2024	10.00 am
8.	Garissa	Garissa Library Hall	6 th April, 2024	10.00 am

The Committee shall discuss the contents of the Bill and its implications during the hearings. Members of the public are invited to attend and share their views on the Bill during the sessions.

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

23rd March 2024

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | THIRD SESSION THE SENATE

The Law of Succession (Amendment) Bill, 2023 (Senate Bills No. 20 of 2023)

INVITATION FOR SUBMISSION OF MEMORANDA

The Law of Succession (Amendment) Bill, 2023 (Senate Bills No. 20 of 2023) was read a First Time in the Senate on Thursday, 23rd May, 2024 and thereafter stood committed to the Standing Committee on Justice, Legal Affairs and Human Rights.

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

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to senate@parliament.go.ke to be received on or before Wednesday, 12th June, 2024 at 5:00 p.m.

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

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

REPUBLIC OF KENYA SAMBURU COUNTY GOVERNMENT DEPARTMENT OF LANDS, PHYSICAL PLANNING AND URBAN DEVELOPMENT



ELIGIBLE BIDDERS ARE INVITED FOR THE TENDER BELOW

The County Government of Samburu invites sealed bids for the below Tender:

NO	TENDER NO.	DESCRIPTION OF WORKS	NEGOTIATION NUMBER	BID BOND (Ksh)	CLOSING DATE	TARGET GROUP
1	SCG/T/096/2023-2024	Provision of Services for the Installation of GIS System	1496299	160,000.00 (Validity should be 140 days)	5 th June 2024 at 11:00hrs East Africa Time	Open

Interested eligible candidates may download a complete set of tender documents from the County Government of Samburu website: www.samburu.go.ke/tenders or PPIP Portal: <https://tenders.go.ke> free of charge using the above IFMIS negotiation number.

Bidders are requested to inspect the tender documents and obtain clarification concerning the tender from the office of Head of Supply Chain Management Samburu County during working hours.

Original Bid Security shall be enclosed in a plain sealed envelope clearly marked with Tender Number and Tender Name and deposited in the tender box situated at the entrance of Samburu County Treasury offices and addressed to:

**HEAD OF SUPPLY CHAIN MANAGEMENT
SAMBURU COUNTY GOVERNMENT
P.O BOX 3-20600
MARALAL.**

Completed tender documents must be scanned and submitted through the IFMIS supplier portal so as to be received not later than **5th June 2024 at 11.00am.**

Interested and eligible bidders having challenges uploading their tender document in the IFMIS Supplier portal may obtain assistance from IFMIS desk on 080072147/0202480180 at the national Treasury.

Please note that Manual submission will not be accepted. All tenders must be submitted through the IFMIS Supplier portal.

**Ag. Head of Supply Chain Management
County Government of Samburu
For - CHIEF OFFICER LANDS, PHYSICAL PLANNING AND URBAN DEVELOPMENT**



REPUBLIC OF KENYA THE NATIONAL ASSEMBLY THIRTEENTH PARLIAMENT-THIRD SESSION (2024)

IN THE MATTER OF ARTICLE 118 (1) (b) OF THE CONSTITUTION AND

IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE NATIONAL COHESION AND INTEGRATION BILL, 2023 (NATIONAL ASSEMBLY BILL NO. 74 OF 2023)

NOTIFICATION OF AND INVITATION TO PUBLIC HEARINGS

WHEREAS, Article 118(1)(b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees, and Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the National Cohesion and Integration Bill, 2023 (National Assembly Bill No. 74 of 2023) was read a First Time and referred to the Committee on National Cohesion and Equal Opportunity for consideration and reporting to the House;

IT IS NOTIFIED, that the National Cohesion and Integration Bill, 2023 (National Assembly Bill No. 74) is a Bill sponsored by the Chairperson of the Committee on National Cohesion and Equal Opportunity, **Hon. Adan Haji Yusuf, MP**, which seeks to—

- Repeal and replace the National Cohesion and Integration Act, 2008 to align its provisions with the present constitutional dispensation and structure of government by giving effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination;
- Establish the National Cohesion and Integration Commission comprising a Chairperson and eight other members nominated by the President and approved by the National Assembly who are to serve for a three-year term, renewable once;
- Outline the functions of the Commission to include formulating and implementing strategies, to create public awareness on the importance of national unity, collaborating with institutions and stakeholders to give effect to the policies relating to cohesion, integration, and peacebuilding, recommending review and reform of practices, policies, and legislation relating to cohesion, integration, and peacebuilding; identifying factors inhibiting the attainment of harmonious relations among different ethnic communities; promoting equality and the elimination of all forms of discrimination, peaceful coexistence, tolerance, respect, understanding and acceptance of diversity in all aspects of life; researching and developing policies for the promotion of national values and principles of governance; fostering partnerships on peacebuilding and conflict management; and establishing early warning and early response systems on conflict;
- Outline the procedure of removal from office of a Commissioner by a resolution made by two-thirds of the National Assembly of the Members of the National Assembly;
- Prescribe offences of ethnic discrimination; discrimination through victimisation; harassment on the basis of ethnicity, discrimination in employment; discrimination in the membership of an organisation; racial or ethnic contempt; and their attendant penalties and remedies;
- Outline the manner of lodging, processing, and settling complaints, including through alternative dispute resolution mechanisms such as peace committees, mediation committees, and traditional justice mechanisms; and
- Save and transmit the existing Commission, its assets and liabilities; and the Commissioners and staff currently in office.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3), it is notified to the general public that the Committee shall conduct **PUBLIC HEARINGS** on the Bill in eleven (11) Counties from 3rd to 8th June 2024 as per the schedule below—

S/No.	COUNTY	VENUE/TOWNS	DATE	TIME
1	Kisumu	Grace Oryango Social Hall	3 rd June, 2024	9:00 a.m.
2	Nyeri	Nyamachaki PCEA Hall, Nyeri Town	3 rd June, 2024	9:00 a.m.
3	Garissa	Kenya National Library Service	3 rd June, 2024	9:00 a.m.
4	Homabay	Kawere East Assistant Chief's office (Kamagaka)	4 th June, 2024	2:00 p.m.
5	Kirinyaga	Wanguru Market	4 th June, 2024	2:00 p.m.
6	Kakamega	Chief's Office - Khayega	5 th June, 2024	9:00 a.m.
7	Lamu	Lamu Fort	6 th June, 2024	9:00 a.m.
8	Kitui	Kamuwongo Market	6 th June, 2024	9:00 a.m.
9	Nandi	Aldai CDF Hall	6 th June, 2024	9:00 a.m.
10	Uasin Gishu	TAC Center, Eldoret Town	7 th June, 2024	9:00 a.m.
11	Mombasa	Kongowea Youth and Women Empowerment Centre	7 th June, 2024	9:00 a.m.
12	Kwale	Kwale Barasa Park - Matuga	8 th June, 2024	9:00 a.m.

The Committee shall discuss the contents of the Bill and its implications during the hearings. Members of the public are invited to attend and share their views on the Bill during the sessions.

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Buildings and on www.parliament.go.ke/the-national-assembly/house-business/bills

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

29th May, 2024

For the Welfare of Society and the Just Government of the People

**ANNEXURE 4: COPIES OF
INVITATION LETTERS TO
SUBMIT MEMORANDA ON THE
BILL**



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
Ref: NA/DAAGPC/NCEO/2024/058

16th April, 2024

Hon. Winfridah Boyani Mokaya
Chief Registrar /Secretary
Judicial Service Commission
Supreme Court Building
NAIROBI

Dear *Madam,*

**RE: WRITTEN SUBMISSION ON THE NATIONAL COHESION AND INTEGRATION
BILL (NATIONAL ASSEMBLY BILL NO. 74 OF 2023)**

Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

In compliance with Article 118 (1) of the Constitution and the National Assembly Standing Orders, the Committee on National Cohesion and Equal Opportunity is in the process of engaging relevant stakeholders to provide submissions on the **National Cohesion and Integration Bill (National Assembly Bill No. 74 of 2023)**.

This is therefore to request that you provide written submissions on the attached Bill.

You may provide hard copies of your submissions through the National Assembly Table Office, or email a soft copy to cna@parliament.go.ke and copied to angeline.lotuai@parliament.go.ke, so as to reach us on or before **22nd April, 2024**.

The officer facilitating the Committee is **Ms. Naserian Lotuai** who may be contacted on Tel. No. **0704452312** or on email angeline.lotuai@parliament.go.ke.

Yours *sincerely,*



Sarah M. Kioko, MBS

For: Clerk of the National Assembly

Encls.



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DAAGPC/NCEO/2024/061

16th April, 2024

Hon. Shadrack Mose

Solicitor-General

Office of the Attorney-General and Department of Justice

Sheria House, Harambee Avenue

NAIROBI

Dear *Sir,*

**RE: WRITTEN SUBMISSIONS ON THE NATIONAL COHESION AND
INTEGRATION BILL (NATIONAL ASSEMBLY BILL NO. 74 OF 2023)**

Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

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Yours *Sincerely,*



Sarah M. Kioko, MBS

For: Clerk of the National Assembly

Copy to: Hon. Justice B.N. Muturi, EGH
Attorney-General
Office of the Attorney-General and Department of Justice
Sheria House, Harambee Avenue
NAIROBI

Encls.



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

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Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DAAGPC/NCEO/2024/059

16th April, 2024

Mr. Renson Mulele Ingonga, OGW

The Director of Public Prosecution

ODPP House, Ragati House

Upper Hill

NAIROBI

Dear *Siya*

RE: WRITTEN SUBMISSIONS ON THE NATIONAL COHESION AND INTEGRATION BILL (NATIONAL ASSEMBLY BILL NO. 74 OF 2023)

Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

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The officer facilitating the Committee is **Ms. Naserian Lotuai** who may be contacted on **Tel. No. 0704452312** or on email angeline.lotuai@parliament.go.ke.

Yours sincerely,



Sarah M. Kioko, MBS

For: Clerk of the National Assembly

Encls.



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DAAGPC/NCEO/2024/060

16th April, 2024

Mr. Joash Dashe, MBS
Chief Executive Officer /Commission Secretary
Kenya Law Reforms Commission
Reinsurance Plaza, 3rd Floor
Taifa Road
NAIROBI

Dear *Sir*,

**RE: WRITTEN SUBMISSIONS ON THE NATIONAL COHESION AND
INTEGRATION BILL (NATIONAL ASSEMBLY BILL NO. 74 OF 2023)**

Article 118(1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees. Further, Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation.

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You may provide hard copies of your submissions through the National Assembly Table Office, or email a soft copy to cna@parliament.go.ke and copied to angeline.lotuai@parliament.go.ke, so as to reach us on or before **22nd April, 2024**.

The officer facilitating the Committee is **Ms. Naserian Lotuai** who may be contacted on **Tel. No. 0704452312** or on email angeline.lotuai@parliament.go.ke.

Yours *Sincerely*



Serah M. Kioko, MBS

For: Clerk of the National Assembly

Encls.



**THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK**

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: cna@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote

Ref: NA/DAAGPC/NCEO/2024/063

17th April, 2024

CPA. Harrison Kariuki
Ag. Chief Executive Officer
National Cohesion and Integration Commission
Britam Towers, 17th Floor, Upper Hill
NAIROBI

Dear *Sir*

**RE: INVITATION TO A WORKSHOP ON THE NATIONAL COHESION AND
INTERGRATION BILL (NATIONAL ASSEMBLY BILL NO. 74 OF 2023)**


Reference is made to your letter Ref: NCIC/ADM/INVITS/VOL 21 (135) dated 26th March, 2024 inviting the Committee on National Cohesion and Equal Opportunity to a workshop to consider the National Cohesion and Integration Bill (National Assembly Bill No.74 of 2023).

This is to inform you that the Committee acceded to your invitation and that it proposed that the workshop be held on 21st and 22nd April, 2024.

You may therefore proceed with the necessary preparations for the workshop.

The officer facilitating the Committee is Ms. Naserian Lotuai who may be contacted on Tel. No. 0704452312 or email angeline.lotuai@parliament.go.ke.

Yours *Sincerely,*


Serah M. Kioko, MBS
For: Clerk of the National Assembly

ANNEXURE 5: LIST OF STAKEHOLDERS



**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - THIRD SESSION - 2024
COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY
REPORT ON THE CONSIDERATION OF THE NATIONAL COHESION AND
INTEGRATION BILL, 2023
(*NATIONAL ASSEMBLY BILLS NO. 74 OF 2023*)**

LIST OF STAKEHOLDERS

1. The Executive Office of the President;
2. The National Cohesion and Integration Commission;
3. The Office of the Attorney General;
4. The National Gender and Equality Commission;
5. The National Police Service;
6. The Judicial Service Commission; and
7. The Office of the Director of Public Prosecution.

**ANNEXURE 6: MEMORANDA
FROM STAKEHOLDERS**

(i) D/AAAGPC
Please deal.
[Signature]
21/06/24



(ii) LOI/A1
Please deal
FAA
24/6/24

(iii) 1. Gueker
2. Lucy
Please note
form
24/6/24

EXECUTIVE OFFICE OF THE PRESIDENT
CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya

Ref. No. OP/CAB. 1/41.....
and date

.....**20th June, 2024**.....

Clerk of the National Assembly
Parliament Buildings
NAIROBI

RE: THE NATIONAL COHESION AND INTEGRATION BILL, NO 74, 2023

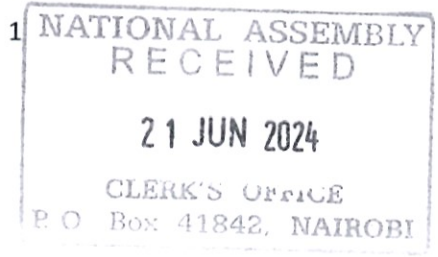
Refer to the above Bill which is currently before the National Assembly undergoing public participation. The Bill contains provisions which in our view encroach on the Constitutional mandate of H.E. the President under Article 132. In addition, the Bill at Section 5 assigns the Commission the function of developing policy which is the function of line Ministries or State Departments and not Commissions.

In view of the above, the following are the specific sections and clauses of the Bill which we propose for deletion or changes:

- 1. PART I – PRELIMINARY
- Section 3 – The Object of the Act**

(a) give effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination;

The Bill cannot “give effect” to Article 10 & 27 on only two (2) National Values and Principles of Governance. Instead it should focus on promoting national values



specific to the Commission's mandate which include: national unity, inclusiveness, equality, equity and non-discrimination. We therefore recommend that section 3(a) should read –

(a) promote the values under Article 10 on national unity, inclusiveness, equality, equity and non-discrimination; and Article 27 of the Constitution on national unity and non-discrimination;

2. PART II – ESTABLISHMENT OF THE NATIONAL COHESION AND INTEGRATION COMMISSION

Section 5 – Functions of the Commission

(f) develop policies for the promotion of national values and principles of governance;

We propose that this section, 5(f) be deleted in its entirety as a function of the Commission. The functions of the National Cohesion and Integration Commission are enforcement/oversight and not policy development.

Promotion of National Values and Principles of Governance is a critical constitutional mandate whose realization is one of the key functions of H.E the President under Article 132(1)(c)(i). Under this Article, the President is required to, once every year, report in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values, referred to in Article 10. The Executive Office of the President (EOP) facilitates delivery of this mandate. As part of this mandate, the EOP is responsible for developing policy and coordinating its implementation (Sessional Paper No. 8 of 2013 on National Values and Principles of Governance). The function of developing policy on National Cohesion and Integration is assigned to the Ministry of Interior and National Administration.

This is therefore to request Parliament to review the proposed functions of the Commission with a view of ensuring that they do not contradict the Constitution or duplicate functions performed by other institutions. Under **Articles 131, 132, 232**

and 234 of the Constitution, the mandates of promotion of National Values and Principles of Governance (Article 10) and Values and Principles of the Public Service (Article 232) are clearly assigned. In addition, the Commission should focus on enforcement and not policy making.



ARTHUR A. OSIYA, CBS
FOR: CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE

Copy to: The Attorney General
Office of the Attorney General and
Department of Justice
Sheria House
NAIROBI

The Chairperson
Committee on National Cohesion & Equal Opportunity
Parliament Buildings
NAIROBI



Chairperson

NATIONAL COHESION AND INTEGRATION COMMISSION

**MEMORANDUM TO THE NATIONAL ASSEMBLY COMMITTEE ON NATIONAL
COHESION AND EQUAL OPPORTUNITY**

ON

THE NATIONAL COHESION AND INTEGRATION BILL, 2023

5TH APRIL 2024

**Britam Towers, 17th Floor,
Hospital Road, Upper Hill
P.O. Box 7055 -0100 Nairobi, Kenya
Email: info@cohesion.go.ke**

1.0 PURPOSE

The purpose of this memorandum is to present to the Committee on National Cohesion and Equal Opportunity comments of the National Cohesion and Integration Commission on the National Cohesion and Integration Bill 2023

2.0 BACKGROUND

The National Cohesion and Integration Commission (NCIC) is mandated to facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different ethnic, religious and racial communities of Kenya, and to advise the Government on all aspects thereof.

3.0 ANALYSIS OF THE PROBLEM

Pursuant to the National Accord, the National Cohesion and Integration (NCI) Act 2008, was paving the way for the establishment of the National Cohesion and Integration Commission. Five year later, Sessional Paper Number 9 on National Cohesion and Integration was adopted. The NCI Act has since then undergone minimal amendments based not been reviewed more than a decade since its enactment.

The comments and proposals of the NCIC are premised on the need to ensure the NCI Act conforms to the Constitution, the National Cohesion and Integration (NCI) Policy, international human rights standards and best practice. In addition, given that circumstances have evolved since the NCI Act and NCI Policy were adopted, it is imperative that the NCI Act is reviewed to align it to address the country's current context, challenges and needs, and respond to global realities and trends including emerging policy, legal and technological developments that have an impact on the promotion of national cohesion and integration in Kenya.

NCIC has noted that ethnic related animosity in the country is often amplified by existing fault lines along ideological, political, religious, economic, and geographic factors, leading to conflicts especially during election periods. In addition, while the rise
Submissions of the National Cohesion and Integration Commission

in the use and adoption of internet and social media has provided platforms for expression, it has also increased social polarization within the society and created new avenues for the dissemination of potentially harmful content such as hate speech, misinformation and disinformation. Further, technology companies regulate content on their communication platforms using policies that do not fully align with the NCI Act, and other technology related legislation creating discordance in how harmful content is addressed in these platforms when used in Kenya.

4.0 GENERAL COMMENTS AND RECOMMENDATIONS

The Commission lauds the Committee on the work done on the proposed bill. The commission further acknowledged that most of its proposed amendment have been adopted and incorporated into the bill. NCIC makes the following general comments and recommendations

- i. The NCIC be anchored in the Constitution under Article 59. NCIC notes that Article 59 allows Parliament to restructure the Article 59 Commission into two or more separate commissions and the NCIC can be one of such commission. A constitutional anchoring will strengthen the work of the Commission and grant it the much required independence it requires.
- ii. NCIC also notes the need to re-arrange some of the clauses in the proposed bill. The rearrangement will provide a better flow to the legislation as well as clarity. For example the contents of clause 48 on exemption to discrimination is better suited to appear after Clause 46.

5.0 SPECIFIC COMMENTS AND RECOMMENDATIONS

Clause	Recommendation	Justification
Clause 5 of the National Cohesion and Integration Bill proposes 10 functions of the Commission	NCIC recommends introduction of the following functions 1. Oversee the implementation of peace building projects under this Act; ✓	The long title as well as clause 2 of the bill introduces the term peacebuilding but in the subsequent clauses of the bill, no mention or

	<p>In overseeing the implementation of peace building projects, the Commission shall — (a) develop a monitoring and tracking mechanism for all peace building projects in the country; (b) develop ethical standards to be adhered to by persons involved in peace building projects; (c) undertake research and analyse and disseminate information, critical gaps and strategic priorities relevant to peace building in any particular region; (d) systematically collect information on lessons learnt in peace building; (e) <u>advise persons</u> involved in peace building projects on best practices for achieving lasting cohesion and integration in any particular area; (f) advise the national and county governments on the most appropriate peace building interventions based on the existing circumstances of the local communities; (g) <u>encourage</u> national and county governments to allocate funding for peace building initiatives; (h) take measures to ensure that there is harmony in the peace building projects undertaken in any</p>	<p>functions with regard to peace building are provided</p>
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<p><i>See minutes</i></p>	<p>particular area; (i) take measures to ensure that persons involved in peace building projects in the counties do not instigate, perpetuate or deepen instability or strife in any area;</p> <p>2. Set standards to be adhered to by persons involved in the implementation of peace building projects;</p> <p>3. The Commission shall maintain a register of all peace building projects within Kenya. A person who intends to engage in a peace building project in Kenya shall notify the Commission, of the project and give details about the project such as:</p> <p>(a) a description of the peace building project or activity that the applicant intends to undertake;</p> <p>(b) a statement of the place where the peace building project is to be carried out and the targeted community;</p> <p>(c) a schedule of activities proposed to be undertaken in the peace building project;</p> <p>(d) the time-frame of the peace building project;</p> <p>(e) the source of financing for the project;</p>	
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<p><i>Copy FN</i></p>	<p>(f) a statement as to whether there is any conflict of interest;</p> <p>(g) a statement as to whether the applicant has carried out any other peace building project within the targeted community and the outcome of that peace building project;</p> <p>(h) the names of the officers in charge of the peace building project; and any other information that the Commission may require.</p> <p>NCIC also recommends the retention of functions as envisaged in the NCI Act No. 12 of 2008 especially as it relates to;</p> <ul style="list-style-type: none"> a. Investigating complaints of ethnic or racial discrimination b. Investigating on its own accord or on request from any institution, any issue affecting ethnic and racial discrimination <p>Making recommendations on penalties to be imposed on any person for any breach of the provisions of the Constitution or of any law dealing with ethnicity.</p>	<p><i>To consider</i></p>
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<p>Clause 6 of the proposed bill takes away a number of powers of the Commission.</p>	<p>To retain powers as envisaged in the NCI Act No. 12 of 2008, Section 26 (2) (a) and (b):</p> <p>In the discharge of its functions under this Act, the Commission— (a) shall not be subject to the direction or control of any other person or authority; (b) shall publish the names of persons or institutions whose words or conduct may undermine or have undermined or contributed towards undermining good ethnic relations, or who are involved in ethnic discrimination or the propagation of ethnic hate;</p>	<p>The power to name and shame has been instrumental to the Commission in discharging its function and in particular in curbing</p>
<p>Clause 8 on the summons for attendance of witnesses</p>	<p>NCIC recommends introduction of new provisions as follows:</p> <p>Power to compel attendance of witnesses to the commission</p> <p>A person who fails to obey summons for the attendance as a witness or other persons or for the production of books, plans and other documents or who, having complied, refuses or fails to give his correct name and address and to answer truthfully all questions that may be lawfully put to him commits an offence and shall be liable on conviction to a fine not exceeding One Million shillings or to imprisonment for a term not exceeding Twelve months or to both.</p>	<p>To give commission power to compel witnesses</p>

<p>Clause 10 (2) of the bill proposes the establishment of 9 regional offices in the country to be administered by a Commissioner</p>	<p>NCIC recommends that the words 'administered by a Commissioner' be removed from Clause 10(2)</p>	<p>The term administer as proposed may cause a conflict between the Commissioner and the Chief Executive Officer of the Commission with reference to their functions.</p>
<p>Clause 15 of the bill proposes the term of office of the Chairperson and members of the Commission for a term of three years and are eligible for re-appointment for one further term only.</p>	<p>NCIC recommends that the current provision that provides for a single term of Six years be retained</p> <p><i>sign term to read six years. New commission provision</i></p>	<p>To align the act with Constitutional provisions on Commissions</p>
<p>Clause 17 on removal from office</p>	<p>NCIC recommends that the bill adopts the provisions of the Constitution with regards to removal from office of the Chairperson or Commissioners</p>	<p>To align the provisions of Article 251 of the Constitution</p> <p><i>what does it say?</i></p>
<p>Clause 24 on the Secretary to the Commission</p>	<p>NCIC recommends that there be included qualification for the person seeking to be Secretary to the Commission. The qualifications should include</p> <ul style="list-style-type: none"> a. Holds a Masters from a university recognized in Kenya; b. At least ten years proven experience at management level; 	<p>Amendments intended to streamline the appointment of the Commission Secretary and to provide for the required qualifications</p>

	c. Has extensive experience in public administration and/or public service.	
Clause 47(1) of the bill changes the naming of the offence of hate Speech to Ethnic or racial contempt.	<p>The title of the offence of hate speech should be retained as per the current act.</p> <p>NCIC also recommends the expansion of the definition of the offence of hate speech to include coded language, vilification of others etc.</p> <p>The proposed clause to read as follows:</p> <p>A person who –</p> <p>(a) uses threatening, abusive, insulting, vilifying words or behaviour, displays any written material or disseminates any ideas based on ethnic superiority;</p> <p>(b) uses coded language, acts or makes gestures;</p> <p>(c) publishes, posts or distributes material in the print, electronic or social media;</p>	<p>Hate speech is an internationally and regionally recognized term and offence.</p> <p>Nationally the offence hate speech is widely recognized by Kenyans and renaming it will lead to confusion and poor interpretation</p>

	<p>(d) presents or directs the public performance of a play with gestures depicting ethnic hatred;</p> <p>(e) distributes, shows or plays a recording of visual images or provides, produces or directs a programme which-</p> <p>(i) depicts ethnic propaganda or stereotyping; or</p> <p>(ii) contains gestures depicting ethnic hatred; or</p> <p>(iii) is threatening, abusive, insulting or vilifies others or involves the use of threatening, abusive, insulting or vilifying words or behaviour;</p> <p>(f) wears or engages in the display of clothing, signs, flags, emblems and insignia, with the intention to incite or stir up ethnic hatred or having regard to all the circumstances, ethnic hatred or social strife is likely to be stirred up, or social cohesion is likely to be disrupted, or show serious contempt for, or severe ridicule of, or incite acts of violence towards a person or group of persons, or towards any property of that person or group of persons, commits an offence.</p>	
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<p>Clause 47(2) maintains the punishment of the offence committed to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both</p>	<p>NCIC recommends the punishment to be enhanced to a fine of not less than five million and to a term of imprisonment of not less than five years of both</p> <p>NCIC also recommends the inclusion of a new clause as follows: Insert</p> <p>“Any print, electronic, digital and social media, or other media enterprise that publishes or otherwise disseminates any of the acts under subsection (1) on any platform commits an offence and shall, on conviction, be liable to a fine of not less than ten million shillings or to imprisonment for a term of not less than ten years, or to both.”</p> <p>“any licenced media enterprise shall upon conviction have their licence revoked”</p> <p>“Any person convicted of an offence under this section shall not be eligible to hold any public nominative or elective office for a period of five years.”</p> <p>NCIC also recommends the retention of the offence of ethnic or racial contempt as provided in the current NCI Act No. 7N to be added as Clause 48 to read as follows:</p> <p>Any person who utters words intended to incite feelings of contempt, hatred, hostility, violence or discrimination against any person, group or community on the basis of ethnicity or race, commits an offence and</p>	<p>To act as a deterrent</p>
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	<p>shall be liable on conviction to a fine not exceeding one million shillings, or to imprisonment for a term not exceeding five years, or both.</p> <p>A newspaper, radio station or media enterprise that publishes the utterances referred to in subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding one million shillings</p>	
<p>Clause 60 on where conciliation fails</p>	<p>NCIC recommends provision of a procedure of hearing a matter where conciliation has failed.</p> <p>The clause would there read:</p> <p>2) The chairperson of the Commission may establish hearing panels each consisting of three members of the Commission to deal with, hear and determine the complaints admitted for hearing.</p> <p>(3) The panels established under subsection (2) shall exercise all the powers and shall perform all the duties and functions of the Commission in relation to any matter before the panel.</p> <p>(4) Members of a panel established under subsection (2) may, if necessary, consult</p>	<p>To provide for the procedure of hearing a matter where conciliation has failed</p>

	with other members of the Commission for purposes of ensuring consistency of decisions of the Commission.	
Clause 72 on offences	NCIC recommends enhancement of the penal provisions to a fine of one million shillings or to imprisonment for a term not exceeding three years”.	To enhance the penalty provided which appears lenient
Clause 84 on regulations	NCIC recommends that the power to make regulations should be given to the Commission in consultation with the Cabinet Secretary.	The NCIC proposal will allow the NCIC to lead the process of preparation of regulations.

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30th May 2024

The Clerk of the National Assembly
Clerk's Chambers, Parliament Buildings
P. O. Box 41842-00100
NAIROBI

2 Nohani
Committee
Consolidate
5/6/24

ATT: Serah M. Kioko, MBS

RE: WRITTEN SUBMISSIONS ON THE NATIONAL COHESION AND INTEGRATION
BILL (NATIONAL ASSEMBLY BILL NO.74 OF 2023)

Reference is made to your letter dated 16th April, 2024 and referenced No. NA/DAAGPC/NCEO/2024/061 requesting this Office to provide written submissions on the proposed National Cohesion and Integration Bill (National Assembly Bill No.74 of 2023).

We have scrutinized the contents of the Bill and we note that—

Part I-Preliminary provisions

Under section 2 of the Act, the terms "discrimination", "employment" and "establishment" are defined; but not defined in the Bill. It is important to have these terms defined in the Bill as they have been used throughout the Bill and have not been defined.

Clause 2 of the Bill aims to expand the definition of the term "ethnic group" to include a broader range of identifiers such as clan, nationality, ancestry, and more, compared to the Act which defines it primarily in terms of color, race, religion, or ethnic or national origins. Additionally, the Bill proposes to enhance the interpretation of "ethnic relations" to include a wider spectrum of interactions like social and clan relations, compared to the Act which primarily focuses on racial, religious, tribal, and cultural interactions. This interpretation helps to cover all possible areas to which ethnic relations apply.

Moreover, while the Act lacks provisions for peace building, the Bill defines "peace building" and includes interventions to prevent conflicts and promote peaceful relations, aligning with constitutional principles. The aspect of peace building has also been included in the objects of the Bill and as a function of the Commission. This is a progressive proposal because peace building revolves around developing social capital and political relations across ethnic, religious, national and racial boundaries. This process includes violence prevention, conflict management, resolution or transformation in line with the objects of the Bill.

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Part II- Establishment, Functions, and Powers of the Commission:

Section 16 (1) of the Act allows branches to be established anywhere in Kenya, while clause 10 (2) of the Bill categorically proposes the establishment of nine regional offices. Further, clause 11(1) of the Bill proposes that the Commission be constituted by a chairperson and eight other members, which is an increase of the membership from the seven commissioners provided under section 17(1)(b) of the Act.

The Act under section 26 (2) (b), on the powers of the Commission to publish names of persons or institutions associated with undermining ethnic relations or discrimination, may be inconsistent with Part IV of the Data Protection Act (Cap 411C) on the principles and obligations of personal data protection. This has been omitted in clause 6 of the Bill on the powers of the Commission and therefore solves the legal issues presented by section 26 (2) (b) of the Act.

Furthermore, the grounds for vacancy in the Commission's office under section 22(1) of the Act, have been expanded in the proposal under clause 16 of the Bill to include serious violations of the Constitution or prescribed codes of conduct and incompetence or neglect of duty.

The Act does not address conflict of interest, whereas the Bill under clause 30, proposes procedures to handle conflicts of interest. This proposal is in line with Chapter VI of the Constitution and also prescribes, on contravention of this provision and on conviction, a penalty of a fine not exceeding three million shillings or to imprisonment for a term not exceeding seven years or to both.

Part IV- Discrimination and Negative Ethnicity

Section 7(2) of the Act, provides that no public establishment shall have more than one third of its staff from the same ethnic community. Clause 41 (2) of the Bill modifies the provision on ethnic representation in public entities, by proposing to reduce the allowed representation from one third to one fifth of staff from the same ethnic community. We wish to draw the attention of the Committee to the following provisions, which they should take into account as they consider the amendment:

- (i) Section 5(2) of the Employment Act (Cap 226) provides that, an employer shall promote equal opportunity in employment and strive to eliminate discrimination in any employment policy or practice.
- (ii) Article 232 (1)(h) and (i)(ii) of the Constitution provides that the values and principles of public service include representation of Kenya's diverse communities; and affording adequate and equal opportunities for appointment, training and advancement, at all levels of the public service, of the members of all ethnic groups.

We further note that Article 56 (c) of the Constitution, provides that the State shall put in place affirmative action programmes designed to ensure that minorities and marginalised groups are provided special opportunities for access to employment. The Bill in clause 42 raises an inconsistency with the Constitution by not providing for the exemption of the special circumstances under which marginalized groups may be employed.

The proposals under this Bill do not deviate too far from the provisions of the Act. It is our considered view that amendments to the National Cohesion and Integration Act, (Cap 7N) may suffice, as opposed to repealing and replacing the Act.

We therefore propose that amendments to the Act be made—

- (i) in section 2 by inserting the definition of “peace building” as has been proposed in clause 2 Bill;
- (ii) in Part I, by inserting a new section immediately after section 2, to provide for the objects of the Act, as proposed in clause 3 of the Bill;
- (iii) in section 7(2), taking into account our proposal above;
- (iv) in section 8(1), to provide for an exemption of the special circumstances under which marginalized groups may be employed, in line with Article 56 (c) of the Constitution;
- (v) in section 16(1), to introduce the establishment of the nine regional offices as proposed under clause 10 (2) of the Bill;
- (vi) in section 22, by inserting the additional grounds for declaration of a vacancy as proposed in clause 16 (c), (i) and (j) of the Bill;
- (vii) by deleting section 25(2) that provides for the objects and functions of the Commission, and substituting with the proposal under clause 5 of the Bill;
- (viii) by inserting a new section after section 36 of the Act to provide for conflict of interest as proposed in clause 30 of the Bill; and
- (ix) by deleting section 26 (2) (b) which raises constitutional issues and inconsistency with the data protection laws.

Further, the policy direction lies with the Ministry of Interior and National Administration. To this end, we have forwarded a copy of the Bill to the Ministry for their concurrence, prior to finalization of the Bill.

We trust that this is in order.



Hon. Shadrack J. Mose
SOLICITOR-GENERAL

Copy to: **Hon. J.B.N Muturi, EGH**
Attorney-General

L. M. Murila
Chief State Counsel

Handwritten notes: (12), huc, please note FAA, 09/5/24



REPUBLIC OF KENYA

OFFICE OF THE ATTORNEY GENERAL

&

DEPARTMENT OF JUSTICE

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Handwritten notes: (3) LOTUAI, please clear FAA, 09/5/24

3rd May, 2024

The Clerk of the National Assembly
Main Parliament Building
P.O. Box 41842-00100
NAIROBI

Handwritten note: Director, DAAGPC

Attn: Ms. Serah M. Kioko

RE: COMMENTS ON DRAFT NATIONAL COHESION AND INTEGRATION BILL NO. 74 OF 2023

The above subject matter and your letter Ref. NA/DAAGPC/NCEO/2024/061 dated 16th April 2024 refer.

We hope this letter finds you well. We write to offer our comments and observations on the Draft National Cohesion and Integration Bill No. 74 of 2023, which is currently under consideration by the National Assembly. As a critical stakeholder in our nation's progress, we believe it is crucial to provide feedback on this significant legislative initiative aimed at promoting national unity and social integration.

Firstly, we commend the efforts of the National Assembly in drafting legislation that seeks to strengthen the fabric of our society and enhance social harmony. The objectives outlined in the draft bill are undoubtedly commendable and reflect the aspirations of our diverse population.

Having reviewed the draft bill, we would like to share the following comments and suggestions:

- 1. Definition and Scope: The bill should provide clear and comprehensive definitions of key terms such as "national cohesion" and "integration" to avoid ambiguity and ensure consistent interpretation across different sectors and regions.

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2. **Implementation Mechanisms:** It would be beneficial to elaborate on the practical implementation strategies and mechanisms that will be employed to achieve the goals outlined in the bill. Clarity on roles, responsibilities, and coordination among relevant government bodies and stakeholders is essential for effective implementation.
3. **Inclusivity and Participation:** The bill should emphasize inclusivity and active participation of all segments of society, including marginalized groups, in fostering national cohesion. Provisions for public consultations and engagement during policy formulation and implementation stages would enhance ownership and effectiveness.
4. **Monitoring and Evaluation:** Incorporating provisions for regular monitoring and evaluation of the bill's impact and outcomes is vital. This will enable policymakers to assess progress, identify challenges, and make necessary adjustments to policies and interventions.
5. **Education and Awareness:** Strengthening initiatives related to education and public awareness campaigns on the importance of national cohesion and integration should be a key component of the bill. Investing in educational programs that promote intercultural understanding and respect for diversity is essential for long-term success.

In conclusion, we urge the National Assembly to consider these comments and suggestions during the deliberations on the Draft National Cohesion and Integration Bill. It is imperative that the final legislation reflects the diverse needs and aspirations of our society while promoting unity and inclusivity.

Thank you for the opportunity to provide feedback on this important legislative initiative. We remain committed to supporting efforts aimed at building a cohesive and integrated nation.



MARY M. WAIRAGU
CHIEF STATE COUNSEL & Ag. CEO
VICTIM PROTECTION BOARD
FOR: SOLICITOR GENERAL.

Copy to: The Hon. Attorney General

 The Hon. Solicitor General

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(11) LOTUHI
Please deal
for
09/7/24

(11) 1/2/2024
Please
not
for
09/7

AG/LDD/37/1/46

1st July, 2024

Mr. Samuel Njoroge
The Clerk of the National Assembly
Clerk's Chambers, Parliament Buildings
P. O. Box 41842-00100
NAIROBI

(1) DLDC
Please deal
for
04/07/2024

ATT: Serah M. Kioko, MBS

RE: THE NATIONAL COHESION AND INTEGRATION BILL (NATIONAL ASSEMBLY BILL
NO.74 OF 2023)

We are writing in reference to a letter dated 20th June, 2024, under Ref. No OP/CAB.1/41, and ours of Ref. No AG/LDD/37/1/46 dated the 30th May, 2024, with regards to the National Cohesion and Integration Bill, No 74, 2023.

The Chief of Staff and the Head of Public Service has made proposals for the review of specific clauses of the Bill, which we hereby forward for your consideration.

We trust this is in order.

Hon. Shadrack J. Mose
SOLICITOR-GENERAL

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Attorney-General

L. M. Murilla
Chief State Counsel

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24 JUN 2024
10:40 am

**EXECUTIVE OFFICE OF THE PRESIDENT
CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE**

Telegraphic Address
Telephone: +254-20-2227436
When replying please quote

**STATE HOUSE
P.O. Box 40530-00100
Nairobi, Kenya**

Ref. No. **OP/CAB. 1/41**.....
and date

20th June, 2024.....

**Clerk of the National Assembly
Parliament Buildings
NAIROBI**

RE: THE NATIONAL COHESION AND INTEGRATION BILL, NO 74, 2023

Refer to the above Bill which is currently before the National Assembly undergoing public participation. The Bill contains provisions which in our view encroach on the Constitutional mandate of H.E. the President under Article 132. In addition, the Bill at Section 5 assigns the Commission the function of developing policy which is the function of line Ministries or State Departments and not Commissions.

In view of the above, the following are the specific sections and clauses of the Bill which we propose for deletion or changes:

1. PART I – PRELIMINARY

Section 3 – The Object of the Act

(a) give effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination;

The Bill cannot “give effect” to Article 10 & 27 on only two (2) National Values and Principles of Governance. Instead it should focus on promoting national values

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specific to the Commission's mandate which include: national unity, inclusiveness, equality, equity and non-discrimination. We therefore recommend that section 3(a) should read –

(a) promote the values under Article 10 on national unity, inclusiveness, equality, equity and non-discrimination; and Article 27 of the Constitution on national unity and non-discrimination;

2. PART II – ESTABLISHMENT OF THE NATIONAL COHESION AND INTEGRATION COMMISSION

Section 5 – Functions of the Commission

(f) develop policies for the promotion of national values and principles of governance;

We propose that this section, 5(f) be deleted in its entirety as a function of the Commission. The functions of the National Cohesion and Integration Commission are enforcement/oversight and not policy development.

Promotion of National Values and Principles of Governance is a critical constitutional mandate whose realization is one of the key functions of H.E the President under Article 132(1)(c)(i). Under this Article, the President is required to, once every year, report in an address to the nation, on all the measures taken and the progress achieved in the realization of the national values, referred to in Article 10. The Executive Office of the President (EOP) facilitates delivery of this mandate. As part of this mandate, the EOP is responsible for developing policy and coordinating its implementation (Sessional Paper No. 8 of 2013 on National Values and Principles of Governance). The function of developing policy on National Cohesion and Integration is assigned to the Ministry of Interior and National Administration.

This is therefore to request Parliament to review the proposed functions of the Commission with a view of ensuring that they do not contradict the Constitution or duplicate functions performed by other institutions. Under Articles 131, 132, 232

and 234 of the Constitution, the mandates of promotion of National Values and Principles of Governance (**Article 10**) and Values and Principles of the Public Service (**Article 232**) are clearly assigned. In addition, the Commission should focus on enforcement and not policy making.



ARTHUR A. OSIYA, CBS
FOR: CHIEF OF STAFF AND HEAD OF PUBLIC SERVICE

Copy to: The Attorney General
Office of the Attorney General and
✓ Department of Justice
Sheria House
NAIROBI

The Chairperson
Committee on National Cohesion & Equal Opportunity
Parliament Buildings
NAIROBI



NGEC

National Gender and Equality Commission

National Gender and Equality Commission

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NGEC/Ag.CS/NAS/VOL 1 (16)

NATIONAL GENDER AND EQUALITY COMMISSION

Mr. Samuel Njoroge

The Clerk of the National Assembly

Clerk's Chambers

Parliament Building

P.O. Box 41842-00100

NAIROBI

cna@parliament.go.ke

(i) DDC
Please deal.
Shi

25/06/24

(ii) LOTUAI
please deal
28/6/24

(iii) 1-Emerson
2-LUCY
please note

for
28/6/24

Dear

COMMENTS ON THE NATIONAL COHESION AND INTEGRATION BILL, 2023
(NATIONAL ASSEMBLY BILLS NO. 74 OF 2023)

Reference is made to your call for the submission of memoranda on the National Cohesion and Integration Bill 2023.

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 memorandum analyzing the proposed amendments and making proposals where necessary.

Yours Sincerely,

Paul Kuria, OGW

Ag. COMMISSION SECRETARY/ CEO

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"Gender Equality and Non-Discrimination"

MEMORANDA: THE NATIONAL COHESION AND INTEGRATION BILL NO 74 OF 2023

S/NO	CLAUSE	PROPOSED AMENDMENTS	JUSTIFICATION
1.	Interpretations New proposed terms	Define the term Discrimination as follows-; Discrimination is the process of making unfair or prejudicial distinctions between people based on the groups, classes, or other categories to which they belong or are perceived to belong, such as race, gender, age, religion	The term has not been defined but has been applied in the Bill
		Affirmative action Affirmative action is defined as a set of procedures designed to; eliminate unlawful discrimination among applicants, remedy the results of such prior discrimination, and prevent such discrimination in the future.	The term affirmative action is proposed in our comments to replace what is termed “positive discrimination” or “exceptions to discrimination” e.g. Clause 42 , 44 and 48
2.	Clause 3. The object of this Act is to— (a) give effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination b) provide a framework for the promotion of national cohesion, unity and peace-	Amend 3(1)(a) by substituting the subclause with the following-; (a) To provide a framework for the promotion of non-discrimination on ethnic grounds	Article 27(6) of the Constitution contemplates a comprehensive legislative framework designed to redress any disadvantage suffered by individuals or groups because of past discrimination on all grounds as provided for in Article 27(4). The proposed Bill seeks to legislate only aspects of Ethnicity and

	<p>building; (c) provide mechanisms for co-ordination and implementation of interventions aimed at promoting national cohesion and peace-building; (d) promote the values and principles of public service set out under Article 232 of the Constitution; and (e) advise the government on the matters pertaining to paragraphs (a) to (d).</p>		<p>discrimination on ethnic grounds and not on all grounds.</p> <p>The country needs to implement Article 27(6) a comprehensive Equality and Non-discrimination Law (framework)-</p>
<p>3.</p>	<p>Clause 5 Functions of the Office</p> <p>1. The functions of the Commission are to— (e) promote— (i) under Article 27 of the Constitution, the elimination of all forms of inequality and discrimination</p>	<p>Amend clause 5(1)(e) by inserting after the phrase “discrimination” the following “on ethnic grounds”</p>	<p>The object of the Bill is to eliminate discrimination based on ethnic grounds and does not extend to all the grounds in Article 27(4)</p>
<p>4.</p>	<p>Clause 10 Headquarters and Regional Offices</p> <p>10. (1) The headquarters of the Commission shall be in Nairobi.</p> <p>(2) The Commission shall establish nine regional offices in the country to be administered by a commissioner</p>	<p>Amend 10(2) by rephrasing the same as follows-;</p> <p>(2) The Commission shall establish offices as deemed necessary in the country.</p>	<p>The rationale for 9 offices is not clear. The Commission may need more offices as justifiable. Nevertheless 9 should be the minimum.</p> <p>Commissioners are non-executives and policy makers. They are not administrators in line with the <i>Mwongozo</i> code on Governance.</p> <p>The Bill establishes a secretariat in clause 24 under a Commission</p>

			Secretary and provides for the staff in clause 26. The secretariat as the implementers under the Secretary will be in charge of the day-to-day business of the Commission.
5.	<p>Clause 11 Membership of the Commission</p> <p>11. (1) The Commission shall consist of a chairperson and eight other members nominated by the President and approved by the National Assembly in accordance with the First Schedule.</p> <p>(2) The commissioners shall, at their first meeting, elect a vice-chairperson who shall not be of the same gender as the chairperson.</p> <p>(3) In appointing members to the Commission, the principles of gender equity, ethnic and regional representation shall apply.</p>	<p>Amend 11(1) by inserting a new subclause (1)(A) on the composition of the Commission by office</p> <p>Amend (3) by inserting the phrase “, fair representation of disability” after “equity”</p>	<p>The Bill needs to be clear on the actual membership of the Commission as a guide/ criteria to the selection panel established in the First Schedule. The holders of the office should be representatives of relevant interests. As drafted, it is ambiguous and creates room for abuse.</p> <p>To comply with <i>Mwongozo</i> code of Governance and Article 54(2) of the Constitution.</p>
6.	<p>Clause 14 Powers of the Chairperson</p> <p>14. (1) The Chairperson shall — (a) preside over all the meetings of the Commission;</p>	<p>Amend 14(1) by inserting after the phrase “Commission” the following -; “and in the absence of the Chairperson, the members present shall elect one of them in accordance with paragraph 4 of the Third schedule”</p>	<p>To align with paragraph 4 in the third schedule</p> <p>Third Schedule- provisions as to the conduct of business and affairs of the Commission</p> <p>4. The Chairperson shall preside over every meeting of the Commission and in the absence of</p>

			the Chairperson, the members present shall elect one of their number who shall with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.
7.	<p>Clause 16 Vacancy</p> <p>16. The office of the Chairperson or a member of the Commission shall become vacant if the holder -</p> <p>(h) is unable to perform the functions of the office arising out of physical or mental infirmity;</p>	Amend clause 16(h) by deleting the entire sub-clause without any replacement	The provisions are prejudicial and discriminatory to persons with physical and mental disability. The Convention on the Rights of Persons with Disabilities (CRPD) provides for reasonable accommodation to enable such persons deliver on their mandate competitively with others.
8.	<p>Clause 25 Removal of secretary</p> <p>25(1) The Secretary may be removed from office by the Commission in with the terms and conditions of service, for –</p> <p>(a) inability to perform the functions of the office arising out of physical or mental infirmity;</p>	Amend clause 25(1)(a) by deleting the entire sub-clause without any replacement	
9.	<p>Clause 41 Discrimination in Employment</p> <p>41. (1) A public entity shall ensure representation of the diversity of the people of Kenya in the employment of staff and shall afford adequate and equal</p>		

	<p>opportunities for appointment, training and promotion at all levels of public service to members of all ethnic groups (2)..... (3)..... (4)..... (5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years, or to both</p>	<p>Amend sub- clause(5) to align with Section 87 of the Employment Act.</p> <p>Section 5 of the Employment Act prohibits discrimination in employment. The Section does not prescribe a penalty for the offence but Section 87 provides for general penalty which is a fine of fifty thousand or imprisonment not exceeding three months or both</p>	<p>Section 87- Employment Act</p> <p>87. General penalty and offences under other laws (1) A person, other than a child, who commits an offence under this Act, or contravenes or fails to comply with any of the provisions of this Act for which no penalty is specifically provided shall be liable to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months or to both.</p>
<p>10.</p>	<p>Clause 42</p> <p>Exceptions to discrimination in employment</p> <p>42. (1) It shall not be deemed discriminatory under this Part where, having regard to the nature of the employment or the context in which it is carried out-;</p>	<p>Amend the sub-title by substituting it with “Affirmative action”</p>	<p>Discrimination as defined in above has a negative through and through and no exception or justification can sanitize it</p>
<p>11.</p>	<p>Clause 43</p> <p>Discrimination in membership organisations</p> <p>43. (1) An official, member, employee, assign or representative of a registered organization shall</p>	<p>Amend clause 43(4) by substituting the phrase “given religious persuasion or profession” with “a specific grouping”</p> <p>“Grouping” is a set of people that have something in common.</p>	<p>Subclause (4) is too limiting i.e. on religious persuasion or profession.</p> <p>The law should not be seen as limiting and infringing on people’s right to association especially if they have things in common.</p>

	<p>not discriminate against a person who is not a member-</p> <p>(a) in the terms in which it is prepared to admit the person to membership; or</p> <p>(b) by refusing or deliberately omitting to accept the person's application for membership.</p> <p>(2).....</p> <p>(3).....</p> <p>(4) Subsection (1) shall not apply to cases where membership is limited to a given religious persuasion or profession</p>		
12.	<p>Clause 44 Discrimination by other agencies.</p> <p>44. (1) A public or private body shall not discriminate against any person in the provision of services.</p> <p>(2) Subsection (1) shall not apply —</p> <p>(a) where it is proven that the alleged discriminatory act is a necessary requirement in the nature of business transaction and there is no alternative way of realising the desired goal; or</p>	<p>Amend clause 44(2) by substituting the phrase “ a necessary requirement” with “an affirmative action”</p>	
13.	<p>Clause 48 Exceptions to discrimination,</p>	<p>Amend the subtitle by substituting “exemptions to discrimination” with “Affirmative action”</p>	

	48. (1) Nothing contained in this Part shall render unlawful any act done—		
14.	<p>Clause 49 Matters that may be investigated</p> <p>49. A matter may be investigated if -</p> <p>(a) it is of such serious nature that it warrants an investigation; or</p> <p>(b) it concerns a possible contravention in relation to a class or group of persons</p>	<p>Amend clause 49 to specifically state the matters the proposed Commission can investigate i.e. jurisdiction in investigations (whether another Agency has the same or similar mandate) and the limitation of jurisdiction e.g. Criminal offences or matters already before court.</p>	<p>The rationale is to ensure that there is no overlap of mandates. E.g. section 29 of the National Gender and Equality Act provides as follows-;</p> <p>29. Jurisdiction in investigations</p> <p>(1) The Commission shall investigate any complaint, or on its own initiative, investigate any matter relating to equality and freedom from discrimination in—</p> <p>(a) relation to any person,</p> <p>(b) a public office or a private institution; or</p> <p>(c) any other body or agency of the State.</p> <p>In this case the National Gender and Equality Commission has the power to investigate all complaints on issues of equality and discrimination including on Ethnic grounds.</p>



National Police Service Commission



REPUBLIC OF KENYA

CBK Pension Towers, 9th Floor
Harambee Avenue,
P.O. Box 47363 - 00100 GPO
NAIROBI

Website: www.npsc.go.ke
Email: info@npsc.go.ke
Tel: 0709 099 000

(i) DAAGPC
Please deal
SS
04/07/24

OUR REF: NPSC/1/3/20/1/1/VOL.I (21) Tuesday 2nd July 2024

Mr. Samuel Njoroge
The Clerk
National Assembly
NAIROBI

(ii) LOTVAI
Please deal
for
05/7/24

(iii) Emerson
2 Lucy
Please note
for
05/7/24

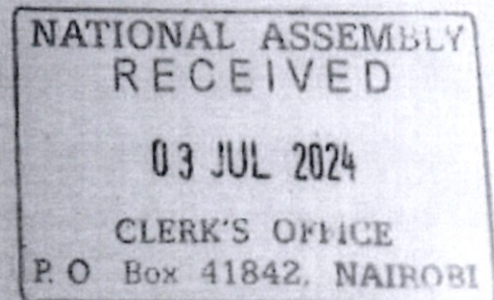
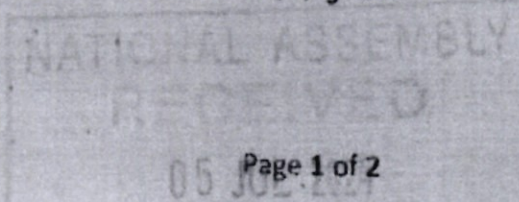
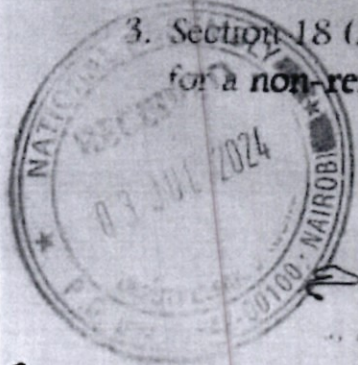
Dear Clerk,

RE: SUBMISSIONS ON THE NATIONAL COHESION AND INTEGRATION BILL (NATIONAL ASSEMBLY BILL NO.74 OF 2023).

Reference is made to your letter NA/DAAGPC/NCEO/2024/097 dated 18th June 2024 on the above subject.

After analysis of the content of the bill, the National Police Service Commission is satisfied that the letter and spirit of the bill has largely captured the intent and purpose of the existence of the National Cohesion and Integration Commission albeit with the following recommendations:

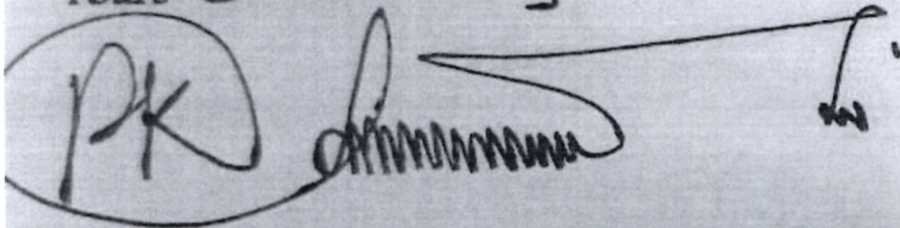
1. The powers of the Chairperson under section 14 (3) to read as follows: "if the office of the chairperson and the Vice Chairperson become vacant or if the Chairperson and Vice Chairperson are unable to exercise the powers or perform the functions of their office owing to absence, illness or any other cause, **the members shall elect one from amongst themselves**, who shall exercise their powers or perform these functions."
2. Section 15 on Terms of Office to read "the Chairperson and members of the Commission shall be appointed for a **non-renewable term of six (6) years**"
3. Section 18 (2) to read "A person appointed under subsection (1) shall serve for a **non-renewable term of six (6) years**"



4. Section 23 to read "The Chairperson and members of the Commission shall be paid such remuneration and allowances, as shall be determined by the Salaries and Remuneration Commission (SRC)".
5. Under Section 32 (2) add subsection (f) to read "payment of the Commission rent expenses"
6. Under section 52 (1) add subsection (d) to read "A matter already before a court of law".

Thank you for considering the National Police Service Commission as a valuable partner.

Yours Sincerely,

A handwritten signature in black ink, consisting of the letters 'PK' followed by a series of loops and a long horizontal stroke that ends in a small hook.

PETER LELEY
CS/ CHIEF EXECUTIVE OFFICER
NATIONAL POLICE SERVICE COMMISSION

11) D/AAAPC
Please deal
23/04/24



11/20/01
Please deal
AAA
24/4/24

2. Lucy
Please note
AAA
24/4/24

OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS

Telegraphic address: "Personnel", Nairobi
Telephone: Nairobi 2732090
Mobile: 0723202888/0787880580
Fax: 2243524
Email: info@odpp.go.ke

ODPP House,
Ragati Road, Upperhill
P.O. Box 30701 - 00100
Nairobi, Kenya.

When replying please quote

Ref.: ODPP/HQ/CAM/3/0077

Date: 23rd April, 2024

Mr. Samuel Njoroge,
Clerk of the National Assembly,
National Assembly of Kenya,
Parliament Buildings,
P. O. Box 41842-00100
Nairobi.

Dear **Mr. Njoroge,**

RE: WRITTEN SUBMISSIONS ON THE NATIONAL COHESION AND INTEGRATION BILL (NATIONAL ASSEMBLY BILL NO. 74 OF 2023)

Reference is made on your letter Ref. NA/DAAGPC/NCEO/2024/059 dated 16th April, 2024.

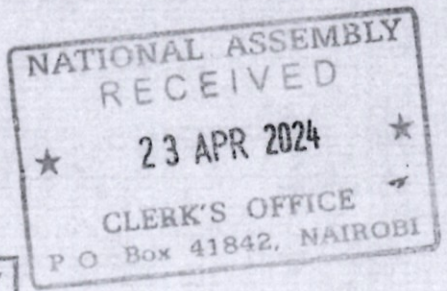
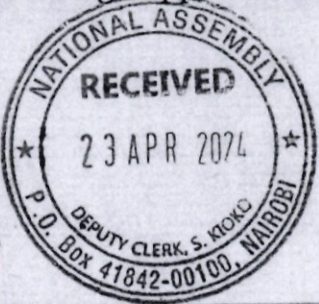
We extend our sincere appreciation to the **Standing Committee on National Cohesion and Equal Opportunity** for affording us the opportunity to provide written submissions on the **National Cohesion and Integration Bill (National Assembly Bill No. 74 of 2023)**.

Attached herewith, please find our meticulously prepared submissions to the Bill.

We trust that these contributions will be thoughtfully considered by the esteemed Committee.

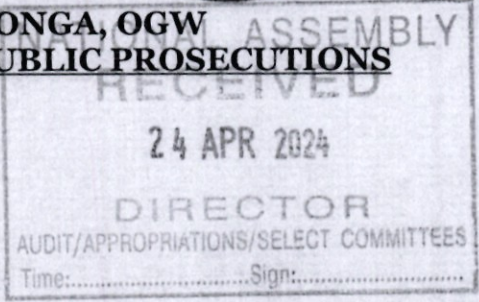
Thank you for your unwavering support and cooperation in advancing matters of national importance.

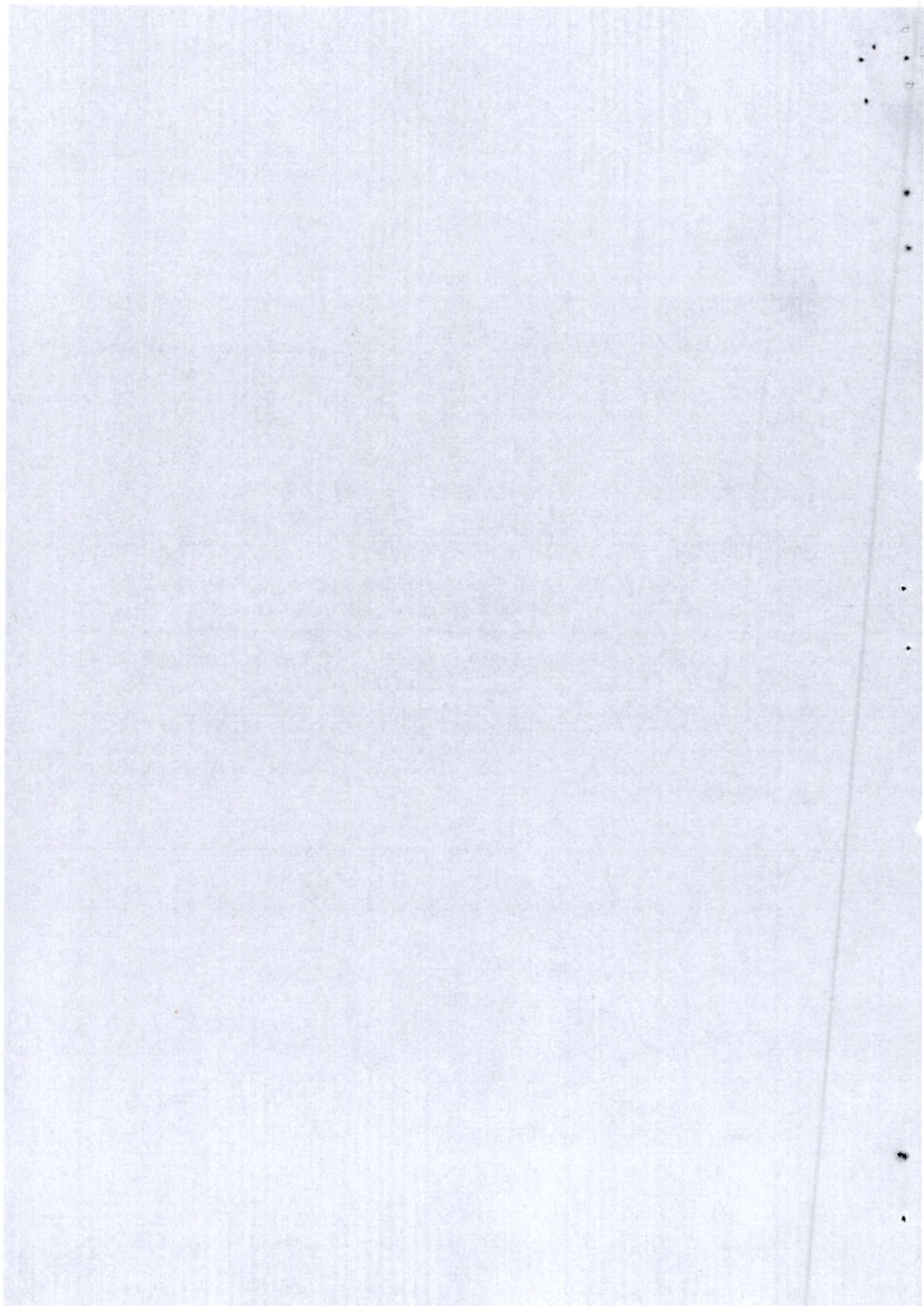
Yours Sincerely



RENSON M. INGONGA, OGW
DIRECTOR OF PUBLIC PROSECUTIONS

Encl







WRITTEN SUBMISSIONS

ON

THE NATIONAL COHESION

INTEGRATION BILL

(NATIONAL ASSEMBLY BILL NO. 74 OF 2023)

BY:

RENSON M. INGONGA, OGW

DIRECTOR OF PUBLIC PROSECUTIONS

ON

THURSDAY, 25TH APRIL, 2024

1. INTRODUCTION

The Office of the Director of Public Prosecution (ODPP) received a letter dated 16th April, 2024, **Ref. NA/DAAGPC/NCEO/2024/059** requesting the ODPP to submit written submissions on the National Cohesion and Integration Bill (***National Assembly Bill No. 74 of 2023***)

The Office of the Director of Public Prosecutions is established under **Article 157(11)** of the Constitution of Kenya, 2010 to **exercise state powers of prosecutions while having regard to the public interest, the interests of the administration of justice and the need to prevent and avoid abuse of the legal process.**

Many international treaties, norms and conventions consider the right to freedom of expression as a cornerstone human right. This is because freedom of expression enables other fundamental rights such as the right to peaceful assembly and the right and opportunity to vote. However, the right to freedom of expression is not without limitations. Article 20(2) of the International Covenant for Civil and Political Rights ICCPR provides that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. This freedom is also limited under Article 33(2) of the Constitution of Kenya, 2010.

In 2007, more than half a million Kenyans were displaced from their homes and about 1000 people died as a result of post-election violence. There was then a resultant need for hastened legal and constitutional reforms to ensure that the country does not revert to such a tumultuous period. The National Cohesion and Integrated Act number 12 of 2008 was enacted as a result in order to criminalize hate speech. Following the promulgation of the constitution of Kenya, 2010

freedom of expression was limited to oust hate speech under article 32(2) (c). As time progressed, there has been a shift of hate speech from mainstream media to the social media platforms. The use of social media in Kenya keeps on increasing and so does the prevalence of hate speech. During the 2013 and 2017 general elections, a huge number of cases related to threats and incitement to violence were reported on social media platforms. It has therefore become necessary to carry out legislative reforms on hate speech and related laws to bring them in line with the new Constitution and to cover online incidences of hate speech.

The Bill seeks to align the Act with the present constitutional dispensation and structure of Government by repealing the National Cohesion and Integration Act (No.12 of 2008) whose enactment was before the promulgation of the Constitution of Kenya, 2010. The Bill brings a lot of changes for instance, Section 63 of the National Cohesion and Integration Act Number 12 of 2008 which is sought to be repealed, has been replicated in Section 72 of the proposed Bill Number 74 of 2023 pending before the National Assembly save that the punishment proposed has been increased from Kshs. 200,000/= in the current Act, to Kshs. 500,000/= in the Proposed Bill for the offence of interference with witnesses and victims who have made complaints to the commission. This shows the seriousness with which hate crimes are taken. This is very commendable because hate speech needs to be tackled effectively to ensure it does not lead to mass atrocity crimes such as genocide.

Therefore, the ODPP supports these legislative reforms aimed at harmonizing the law with the existing realities in the digital era. In exercise of the powers under the Constitution as read together with the provisions of **Section 5** of the Office of the Director of Public Prosecutions Act. No. 2 of 2013, the ODPP hereby

advises the National Assembly through the Clerk as hereunder: -

2. COMMENTS

(A) "Ethnic grounds" [Under section 2]

1. means any of the following grounds, namely colour, race, religion, nationality or ethnic or national origins; "ethnic group" means a group of persons defined by reference to colour, race, religion, clan, nationality, ethnic origins, national origins, ancestry, social or cultural experience, language or dialect; "ethnic relations" include racial, religious, social, tribal, clan and cultural interactions between various communities, and the words "ethnic" and "ethnicity" shall be construed accordingly;

2. The preamble of the Bill reads "AN ACT of Parliament to outlaw discrimination on ethnic grounds; provide for the establishment of an institutional framework for national cohesion and peace building; to establish the National Cohesion and Integration Commission".

3. Discrimination on grounds of gender is a complaint that is also prevalent especially during the election period. As the bill is aimed at fostering cohesion, ethnic grounds should be widened to include discrimination on basis of gender [Article 27(3) of Constitution of Kenya 2010.

(B) Establishment, functions and powers of the commission [section 4]

4. The current law [No.12 of 2008] provides in section 16 that "Subject to the provisions of any other written law as to the meetings of the Commission, the Commission may hold its sittings at any place in Kenya".

5. This is silent under section 4 of the new [Bill number 74 of 2023]. The new Bill needs to specify where and how meetings may be held.

(C) Term of Office (section 15)

6. Article 250(6) (a) provides that a member of a commission, or the holder of an independent office— (a) unless ex officio, shall be appointed for a single term of six years and is not eligible for re-appointment; and (b) unless ex officio or part-time, shall not hold any other office or employment for profit, whether public or private.

7. Section 15 of the bill provides that the Chairperson and members of the Commission shall be appointed for a term of three years and are eligible for re-appointment for one further term only.

8. To bring the proposed provisions relating to appointment in line with constitution we submit that the three (3) years term is too short. The Commissioner and Members should serve at least six (6) years non-renewable term and there should be a provision that they should not hold any other office or employment for profit.

**(D) Procedure for removal of a commissioner from office
[Section 17]**

9. Section 17 (1), (2), (3) and (4) states that person desiring the removal from office of a Commissioner may present a petition to the President through the Cabinet Secretary. The Cabinet Secretary, shall within seven days of receipt of the petition, forward the petition to the relevant Committee of the National Assembly.

10. The Committee shall inquire into the matter and report on the facts to the President through the Cabinet Secretary, giving its recommendations as to

whether or not the Commissioner ought to be removed from office. Where the question of removing a commissioner has been referred to the relevant Committee of the National Assembly, the president may suspend the Commissioner concerned.

11. The President may lift the suspension at any time and the suspension shall cease to have effect if the Committee recommends that the Commissioner should be removed. A commissioner shall be removed from office if two thirds of the members of the National Assembly vote to remove the member, on the recommendation of the Committee.

12. This is different from Article 251(6) where upon receipt of the complaint from National Assembly, the president appoints a tribunal. The tribunal shall investigate the matter expeditiously, report on the facts and make a binding recommendation to the President, who shall act in accordance with the recommendation within thirty days.

13. If the bill is passed as it is therefore, it will have different provisions on removal of a commissioner and runs risk of being declared unconstitutional.

(E) Protection from personal liability [section 28 (1) and (2)]

14. Section 28(1) provides that no “matter or thing done by a member of the Commission or any officer of the Commission shall, if the matter is done in good faith while executing the functions, powers or duties of the Commission, render the member officer, employee or agent personally liable for any action, claim or demand whatsoever”.

15. Section 28(2) provides that “any expenses incurred by any person in any suit or prosecution brought against him or her in any court in respect of any act

which is done or purported to be done by or under the direction of the commission shall, if the court holds that such act was done bona fide, be paid out of the funds of the commission, unless such funds are recovered by him or her in the suit or prosecution”.

16. Section 28(1) already immunizes members and officers of the commission against suits and criminal prosecutions for acts done in good faith, in the course of duty.

17. There is no need again to introduce another section where expenses recoverable in suits or prosecution are to be paid from by the commission subject to the court finding that the action was done bona fide.

18. If the act was bona fide, then no suit or prosecution should lie against the commissioners or members of staff. No expenses should be recoverable for acts in good faith done. Section should therefore be deleted.

19. In case of liability of the commission for its action, section 29 takes care of that. Under section 4(2) (a) the commission is also body corporate capable of suing and being sued.

(F) Ethnic contempt [section 47]

20. (3) In this section, "ethnic hatred" means hatred against a group of persons defined by reference to colour, race, clan, sub tribe, nationality, ethnic or national origins.

21. Religion and gender are very often the basis upon which discrimination occurs hence the same should be included in this section and in the interpretation section to otherwise this new law if passed, shall not be able to punish discrimination on grounds of gender and religion.

(G) Investigation and enforcement

22. Section 49 provides that a matter may be investigated if - (a) it is of such serious nature that it warrants an investigation; or (b) it concerns a possible contravention in relation to a class or group of persons.

23. There is ambiguity in section 49(1) with respect to who determines how serious a matter is. Is it the complainant, the commission, the suspect or the law? The law should provide the nature and seriousness of complaints that the commission should investigate.

24. We propose that the commission shall investigate and recommend to the Director of Public Prosecutions the prosecution of any complaints of ethnic contempt and any offences under this Act or any other law enacted pursuant to article 10 and article 27 of the Constitution;

(H) Dismissal of stale complaints

25. Section 54. (1) provides that the Commission may dismiss a complaint, and shall notify the complainant accordingly, if the Commission has had no substantive response from the complainant in the period of twelve months following a request by the Commission for a response in relation to the complaint. (2) A complainant may take no further action under this Act in relation to the subject matter of a complaint dismissed under this section.

26. Sometimes failure to provide a response may not be deliberate and could be due to reasons beyond the control of the complainant. The law should state that complaints should be dismissed, where there is no response for twelve months, and no reasons have been provided by the complainant, for the delay in providing a response.

(I) Enforcement of compliance notices

27. Section 63(1) states that the Commission may apply to the High Court for an order requiring a person to furnish any information required by a compliance notice.

28. There is a bit of ambiguity concerning this clause. What information would the commission be seeking from individuals? The commission should have power to investigate and gather evidence using the machinery it enjoys from the state. Information is a right protected in the Bill of Rights and it may not be possible to compel someone to give information. Even witnesses in court give evidence out of their own volition. They can decide not to give evidence, or submit erroneous information.

29. Section 63 should not require individuals to furnish information but it should simply create an offence where individuals fail to comply with notices requiring them to cease acts or omissions causing discrimination.

(J) Power to issue prohibition notices

30. Section 64 states that the Commission shall have the power to issue a prohibition notice directing a person or entity involved in an action or conduct contrary to national cohesion, integration and peace building to cease such action or conduct within seven days.

31. In essence this is similar to a judicial review writ of prohibition normally issued by courts. That being the case, this will amount to usurpation of judicial authority vested only in courts and tribunals under Article 159(1) of the constitution.

(K) Referral of criminal complaints to the Director of Public Prosecutions

32. Section 69 provides that “the Commission may, upon inquiry into a complaint under this Act take any of the following steps - (a) where the inquiry discloses a criminal offence, refer the matter to the Office of the Director of Public Prosecution or any other relevant authority;

33. To ensure effective control of prosecutorial functions and criminal investigations as per the mandate under Article 157, **all criminal complaints should be forwarded to the DPP** for review and further directions. It is for the ODPP to then determine and give directions. The commission should not determine what to do with such complaints because to do that, would be tantamount to holding a criminal trial.

(L) Failure by organizations to implement reports by commission

34. Section 70(1) provides that after concluding an investigation or an inquiry under this Act, the Commission shall make a report to the State organ, public office or organization to which the investigation relates.

35. Section 70(3) states that the Commission may require the State organ, public office or organization that was the subject of the investigation to submit a report to the Commission within a period of sixty days on the steps, if any, taken to implement the recommendations of the Commission. **We submit that section 70(3) should be deleted.**

36. State organs are responsible to the people through parliament and file their reports with the president and parliament. Making it a legal requirement

to submit a report to the commission makes the commission have oversight roles which might run contrary to the constitution.

37. The commission should carry out recommendations to the relevant agencies for action and the file its report to parliament. The relevant agency to which the report was filed will then be accountable to the parliament as to what they did with the report.

38. Instead of requiring the state organ to file reports, the commission should use its functions to encourage harmonious inter-agency cooperation and lodge reports to parliament in addition to utilizing its statutory powers to summon witnesses and making findings and recommendations to various relevant agencies including parliament.

39. Indeed section 70(4) states that if there is failure or refusal to implement the recommendations of the Commission within the specified time the Commission may prepare and submit to the National Assembly a report detailing the failure or refusal to implement its recommendations and the National Assembly shall take appropriate action.

(M) Offences

40. Section 70(d) provides that a person who “uses insulting language towards a Commissioner' member of staff of the Commission or the Secretary when the Commissioner, member of staff or Secretary is exercising powers or performing functions under this Act; commits an offence.

41. This section is problematic because judicial precedents and case law show that the high court has been very protective when it comes to fundamental freedoms and human rights especially the freedom of expression.

42. In **Cyprian Andama v Director of Public Prosecutions & 2 others; Article 19 East Africa (Interested Party) [2021] Eklr** the court cited with approval the Supreme Court of the United States decision in **New York Times v Sullivan 376 U.S. 254 (1964)** wherein it was held that “**the circulation of ideas should be uninhibited, robust and wide open in a democratic society.**”

43. The court also cited the Ugandan case of **Charles Onyango Obbo & another v Attorney General [2004] UGSC 81** where it was stated that the right to freedom of expression extends to holding, receiving and imparting all forms of opinions, ideas and information.

44. It is not confined to categories, such as correct opinions, sound ideas or truthful information. Subject to the limitation under Article 43, **a person's expression or statement is not precluded from the constitutional protection simply because it is thought by another or others to be false, erroneous, controversial or unpleasant.**

45. What amounts to “insult” is undefined and it is therefore difficult for an individual to freely express oneself without the risk of committing the offence created by the proposed law. Also refer **Cyprian Andama v Director of Public Prosecutions & 2 others; Article 19 East Africa (Interested Party) [2021] Eklr** and **Robert Alai v The Hon Attorney General & another [2017] eKLR**

46. It is therefore our submission that section 70(d) should be deleted as it is contrary to the memorandum and objects of the Bill and right to freedom of expression.

(N) Contravention of the Act not create civil or criminal wrong.

47. Section 79, provides that a *statement made by a person in the course of giving evidence before the Commission shall not subject such person to any civil or criminal liability except where such statement false.*

48. The current Act had a similar provision under section 65 which provided that “*A contravention of this Act does not create any civil or criminal liability except to the extent expressly provided by this Act*”.

49. We propose that this be modified in the new Bill to read, *a contravention of this Act does not create any civil or criminal liability except to the extent expressly provided by this Act or any other written law.*”

50. This is because cooperation with the commission should not be criminalized to encourage people give information without fear. Secondly, perjury and other offences relating to the administration of justice have already been dealt with in the Penal Code [CAP 63].

3. CONCLUSION

Mr. Chairman,

In conclusion, hate speech has become rampant with the increased use of social networking sites. We therefore laud the efforts to come up with a new legislation that repeals the existing law, to bring hate speech crimes in conformity with the limitations to freedom of expression set forth in international law and in the Constitution of Kenya, 2010.

It is our hope that all relevant actors shall work collaboratively especially during the drafting of the bill to ensure there is no ambiguity and to ensure the final law properly addresses hate speech, national cohesion and peace in the digital age.

Dated 22nd April, 2024

A handwritten signature in black ink, appearing to be 'RM Ingonga', written in a cursive style.

RENSON M. INGONGA, OGW
DIRECTOR PUBLIC PROSECUTIONS

**ANNEXURE 7: COPY OF THE
BILL**

NATIONAL COUNCIL FOR
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SPECIAL ISSUE

Kenya Gazette Supplement No. 234 (National Assembly Bills No. 74)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2023

NAIROBI, 30th November, 2023

CONTENT

Bill for Introduction into the National Assembly—	PAGE
The National Cohesion and Integration Bill, 2023	2065

NATIONAL COUNCIL FOR
LAW REPORTING



19 JAN 2024

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**THE NATIONAL COHESION AND INTEGRATION
BILL, 2023**

ARRANGEMENT OF CLAUSES

Clause

PART I—PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.

**PART II — ESTABLISHMENT OF THE NATIONAL
COHESION AND INTEGRATION COMMISSION**

- 4—Establishment of the Commission.
- 5—Functions of the Commission.
- 6—Powers of the Commission.
- 7—Power to summon.
- 8—Summons for attendance of witnesses.
- 9—Expenses of witnesses.
- 10—Headquarters and regional offices.
- 11—Membership of the Commission.
- 12—Qualification and disqualification for appointment as chairperson and member.
- 13—Oath of office.
- 14—Powers of the chairperson.
- 15—Term of office.
- 16—Vacancy.
- 17—Removal from office
- 18—Filling of a vacancy.
- 19—Committees of the Commission.
- 20—Experts.
- 21—Procedure of the business and affairs of the Commission.

- 22—Delegation by the Commission.
- 23—Terms and conditions of service.
- 24—Secretary to the Commission.
- 25—Removal of the secretary.
- 26—Staff of the Commission.
- 27—Common seal of the Commission.
- 28—Protection from personal liability.
- 29—Liability for damages.
- 30—Conflict of interest.

PART III — FINANCIAL PROVISIONS

- 31—Funds of the Commission.
- 32—Annual estimates.
- 33—Financial year.
- 34—Accounts and audit.
- 35—Annual report.
- 36—Quarterly reports.
- 37—Special report.

PART IV — DISCRIMINATION, HATE SPEECH AND NEGATIVE ETHNICITY

- 38—Ethnic discrimination.
- 39—Discrimination through victimisation.
- 40—Harrassment on the basis of ethnicity.
- 41—Discrimination in employment.
- 42—Exceptions to discrimination in employment.
- 43—Discrimination in membership organisation.
- 44—Discrimination by other agencies.
- 45—Discrimination in access to and distribution of public resources.
- 46—Discrimination in property ownership, management and disposal.
- 47—Ethnic or racial contempt.

48—Exceptions to discrimination.

PART V—COMPLAINTS, INVESTIGATIONS AND ENFORCEMENT

49—Matters that may be investigated.

50—Complaints.

51—Lodging a complaint.

52—Complaints not entertained by the Commission.

53—Application to strike out complaint.

54—Dismissal of stale complaint.

55—Referral by the Cabinet Secretary.

56—Alternative Dispute Resolution mechanisms.

57—Commission to refer complaints for conciliation.

58—Conciliation by the Commission.

59—Conciliation agreements.

60—Where conciliation fails.

61—Special references.

62—Compliance notices.

63—Enforcement of compliance notices.

64—Prohibition notice.

65—Investigations by the Commission.

66—Notice if investigation on complaint is discontinued.

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THE CONDUCT OF
BUSINESS AND
AFFAIRS OF THE
COMMISSION**

**THE NATIONAL COHESION AND INTEGRATION
BILL, 2023**

A Bill for

AN ACT of Parliament to outlaw discrimination on ethnic grounds; provide for the establishment of an institutional framework for national cohesion and peace building; to establish the National Cohesion and Integration Commission; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the National Cohesion and Integration Act, 2023.

Short title.

2. In this Act—

Interpretation.

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to cohesion, integration, peace-building and conflict management;

“Commission” means the National Cohesion and Integration Commission established under section 4;

“Commissioner” means a member of the Commission appointed under section 11;

“development issues” includes issues relating to development in socio cultural, political and economic sectors;

“ethnic grounds” means any of the following grounds, namely colour, race, religion, nationality or ethnic or national origins;

“ethnic group” means a group of persons defined by reference to colour, race, religion, clan, nationality, ethnic origins, national origins, ancestry, social or cultural experience, language or dialect;

“ethnic relations” include racial, religious, social, tribal, clan and cultural interactions between various communities, and the words “ethnic” and “ethnicity” shall be construed accordingly;

“peace building” means interventions designed to prevent conflicts or their escalation; measures to consolidate peaceful relations through transformative short

term and long term processes including conflict prevention, response, traditional dispute resolution, post conflict recovery, mediation and reconciliation;

“public officer” has the meaning assigned to it under Article 260 of the Constitution; and

“Secretary” means the Secretary to the Commission appointed under section 24.

3. The object of this Act is to—

- (a) give effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination;
- (b) provide a framework for the promotion of national cohesion, unity and peace-building;
- (c) provide mechanisms for co-ordination and implementation of interventions aimed at promoting national cohesion and peace-building;
- (d) promote the values and principles of public service set out under Article 232 of the Constitution; and
- (e) advise the government on the matters pertaining to paragraphs (a) to (d).

Object of the Act:

PART II— ESTABLISHMENT, FUNCTIONS AND POWERS OF THE NATIONAL COHESION AND INTEGRATION COMMISSION

4. (1) There is established the National Cohesion and Integration Commission.

Establishment of the Commission.

(2) The Commission 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) taking, purchasing or otherwise acquiring, holding, charging and disposing of movable and immovable property;
- (c) borrowing money;
- (d) entering into contracts; and
- (e) doing or performing all such other things or acts for the proper discharge of its functions under the Constitution, this Act or any written law, as may

be lawfully done or performed by a body corporate.

5. The functions of the Commission are to—

Functions of the Commission.

- (a) formulate and implement strategies, plans, educational and training programmes to create public awareness and support on the importance of national unity;
- (b) collaborate with institutions and stakeholders to give effect to the policies relating to cohesion, integration and peace-building;
- (c) make recommendations to the national government and any other relevant entities on—
 - (i) the review and reform of practices, policies and legislation relating to cohesion, integration and peace-building; and
 - (ii) the criteria for deciding whether any public office or officer has committed acts of discrimination on the grounds of ethnicity;
- (d) identify factors inhibiting the attainment of harmonious relations among different ethnic communities and put in place measures to address the problem;
- (e) promote—
 - (i) pursuant to Article 27 of the Constitution, equality and the elimination of all forms of discrimination;
 - (ii) peaceful co-existence, tolerance, respect, understanding and acceptance of diversity in all aspects of life and encourage appreciation by all ethnic communities of the social, economic, cultural and political life of other communities; and
 - (iii) equal access and enjoyment by persons of different ethnic, racial or social origins to services and facilities provided by government and private entities;
- (f) develop policies for the promotion of national values and principles of governance;

- (g) undertake research on national cohesion, national values, peace building and conflict management and make recommendations to the relevant government agencies;
- (h) foster partnerships with relevant state actors, non-state actors, bilateral and multilateral agencies on peace building and conflict management;
- (i) establish early warning and early response system on conflict and put in place an emergency preparedness and response system to curb imminent conflict; and
- (j) perform such other functions as may be necessary for the effective discharge of its mandate and exercise of its powers.

6. (1) The Commission shall have all the powers necessary or expedient for the proper performance of its functions under this Act.

Powers of the Commission.

(2) Without prejudice to the generality of the foregoing, the Commission shall have power to—

- (a) enter into association with other bodies or organisations, within or outside Kenya, as it may consider desirable or appropriate and in furtherance of the objective for which the Commission is established;
- (b) control, supervise and administer the assets of the Commission in a manner and for purposes that best promote the purpose for which the Commission is established;
- (c) receive any grants, gifts, donations or endowments and make legitimate disbursements therefrom; and
- (d) open bank accounts for the funds of the Commission.

7. (1) The Commission shall have power to summon witnesses for the purpose of giving evidence or for the production of books, plans and other documents.

Power to summon.

(2) Where the Commission requires that the information under subsection (1) be verified, the Commission may cause such witness to be examined under oath.

8. Summons for the attendance of witnesses or other persons or for the production of books, plans and other documents shall be in such form as may be specified by the Commission and shall be signed by the Secretary.

Summons for attendance of witnesses.

9. Every person summoned to attend and give evidence or produce books, plans or other documents at any sitting of the Commission shall be bound to obey the summons served upon him or her as if such summons were issued by the High Court, and shall be entitled to like expenses as a witness summoned to attend the High Court on a civil trial.

Expenses of witnesses.

10. (1) The headquarters of the Commission shall be in Nairobi.

Headquarters and regional offices.

(2) The Commission shall establish nine regional offices in the country to be administered by a commissioner.

(3) The Commission shall ensure that its services are accessible to all parts of the country and shall establish branches in each county in Kenya.

11. (1) The Commission shall consist of a chairperson and eight other members nominated by the President and approved by the National Assembly in accordance with the First Schedule.

Membership of the Commission.

(2) The commissioners shall, at their first meeting, elect a vice-chairperson who shall not be of the same gender as the chairperson.

(3) In appointing members to the Commission, the principles of gender equity, ethnic and regional representation shall apply.

12. (1) A person is qualified for appointment as the chairperson or member of the Commission if that person —

Qualification and disqualification for appointment as chairperson and member.

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognized in Kenya;
- (c) has knowledge and at least ten years experience in the case of the chairperson, and at least two years experience in the case of a member, in matters relating to race, ethnic and human relations, public affairs and human rights, peace and security; and

(d) meets the requirements of Chapter Six of the Constitution.

(2) A person is not qualified for appointment under subsection (1) if the person—

- (a) is a State Officer;
- (b) is a member of the governing body or is actively involved in the affairs of a political party;
- (c) has promoted sectoral, ethnic, racial or religious animosity or openly advocated for partisan ethnic positions or interests;
- (d) is an undischarged bankrupt;
- (e) has served as a Member of the Commission;
- (f) has been removed from office for contravening the provisions of the Constitution or any other law; or
- (g) has not met his or her legal obligations relating to tax and other statutory obligations.

13. The Chairperson, members and secretary shall each make and subscribe before the Chief Justice, the oath or affirmation set out in the Second Schedule.

Oath of office.

14. (1) The Chairperson shall—

- (a) preside over all the meetings of the Commission; and
- (b) be the spokesperson of the Commission.

Powers of the chairperson.

(2) If the office of the Chairperson becomes vacant or if the Chairperson is unable to exercise the powers or perform the functions of his or her office owing to absence, illness or any other cause, the vice-chairperson shall exercise those powers or perform those functions.

(3) If the offices of the Chairperson and Vice – chairperson become vacant or if the Chairperson and Vice – chairperson are unable to exercise the powers or perform the functions of their office owing to absence, illness or any other cause, the members shall elect one of their number who shall exercise those powers or perform those functions.

15. The Chairperson and members of the Commission shall be appointed for a term of three years and are eligible for re-appointment for one further term only.

Term of office.

16. The office of the Chairperson or a member of the Commission shall become vacant if the holder—

Vacancy.

- (a) dies;
- (b) resigns from office by notice in writing addressed to the President;
- (c) is in serious violation of the Constitution or any other law;
- (d) is in gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;
- (e) is convicted of an offence and sentenced to imprisonment for a term of six months or more without the option of a fine;
- (f) is absent from three consecutive meetings of the Commission without good cause;
- (g) is declared bankrupt;
- (h) is unable to perform the functions of the office arising out of physical or mental infirmity;
- (i) violates the Code of Conduct prescribed by the Commission; or
- (j) is incompetent or neglects duty.

17. (1) A person desiring the removal from office of a Commissioner may present a petition to the President through the Cabinet Secretary.

Removal from office.

(2) The Cabinet Secretary, shall within seven days of receipt of the petition, forward the petition to the relevant Committee of the National Assembly.

(3) The Committee shall inquire into the matter and report on the facts to the President through the Cabinet Secretary, giving its recommendations as to whether or not the Commissioner ought to be removed from office.

(4) Where the question of removing a Commissioner has been referred to the relevant Committee of the National

Assembly under subsection (2), the President may suspend the Commissioner concerned.

(5) The President may lift the suspension at any time and the suspension shall cease to have effect if the Committee recommends that the Commissioner should be removed.

(6) A commissioner shall be removed from office if two thirds of the members of the National Assembly vote to remove the member, on the recommendation of the Committee.

18. (1) Where a vacancy occurs in the membership of the Commission under section 16 or 17, the appointment procedure set out under the First Schedule shall apply.

Filling of a vacancy.

(2) A person appointed under subsection (1) shall serve for a term of three years and is eligible for re-appointment for one further term.

19. The Commission may establish committees for the better carrying out of its functions.

Committees of the Commission.

20. The Commission may engage the services of such experts in respect of any of its functions in which the experts have special competence.

Experts.

21. (1) The business and affairs of the Commission shall be conducted in accordance with the Third Schedule.

Procedure of the business and affairs of the Commission.

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

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

Delegation by the Commission.

23. The Chairperson and members of the Commission shall be paid such remuneration and allowances as the Cabinet Secretary may, in consultation with the Salaries and remuneration Commission, determine.

Terms and conditions of service.

24. (1) There shall be a secretary to the Commission who shall be appointed by the Commission through a competitive recruitment process upon such terms and

Secretary to the Commission.

conditions as the Commission may, in consultation with the Salaries and Remuneration Commission, determine.

(2) The Secretary shall hold office for a term of five years and is eligible for re-appointment for a further term of five years upon satisfactory performance as evaluated by the Commission.

(3) A person is qualified for appointment as the Secretary to the Commission if the person—

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognised in Kenya;
- (c) has at least five years' experience at management level; and
- (d) meets the requirements of Chapter Six of the Constitution.

(4) The Secretary shall be the chief executive officer of the Commission and head of the secretariat and shall be responsible to the Commission.

25. (1) The Secretary may be removed from office by the Commission in accordance with the terms and conditions of service, for—

- (a) inability to perform the functions of the office arising out of physical or mental infirmity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution of any other written law;
- (e) violation of the Code of Conduct prescribed by the Commission; or
- (f) any other grounds specified in the terms and conditions of service.

Removal of the Secretary.

(2) Before the Secretary is removed under subsection (1) the Secretary shall be given—

- (a) sufficient notice of the allegations made against him or her; and
- (b) an opportunity to be heard on the allegations.

26. (1) The Commission may appoint such staff as are necessary for the proper discharge of its functions under this Act, and upon such terms and conditions of service as the Commission may determine.

Staff of the
Commission.

(2) The Commission shall in the appointment of employees —

- (a) ensure that a person is employed on merit; and
- (b) afford equal opportunity to men and women, youth, persons with disabilities and minorities and marginalised groups.

(3) The Government may upon request by the Commission, second to the Commission such number of public officers as may be necessary for the purposes of the Commission.

(4) A public officer seconded to the Commission shall, during the period of secondment, be deemed to be an officer of the Commission and shall be subject to the direction and control of the Commission.

27. (1) The common seal of the Commission shall be kept in the custody of the Secretary and shall not be used except on the order of the Commission.

Common seal of
the Commission.

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

28. (1) No matter or thing done by a member of the Commission or any officer of the Commission shall, if the matter is done in good faith while executing the functions, powers or duties of the Commission, render the member, officer, employee or agent personally liable for any action, claim or demand whatsoever.

Protection from
personal liability.

(2) Any expenses incurred by any person in any suit of prosecution brought against him or her in any court, in respect of any act which is done or purported to be done by him or her under the direction of the Commission, shall, if the court holds that such act was done *bona fide*, be paid out of the funds of the Commission, unless such expenses are recovered by him or her in such suit or prosecution.

Liability for damages.

29. The provisions of section 28 shall not relieve the Commission of the liability to pay compensation or damages to any person for any injury to him or her, his or her property or any of his or her interests caused by the exercise of any power conferred by this Act or any other written law or by the failure, wholly or partially, of any works.

30. (1) If any person has a personal or fiduciary interest in any matter before the Commission, and is present at a meeting of the Commission or any committee at which that matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching on such matter.

Conflict of interest.

(2) In the event the person having an interest under subsection (1) is the Chairperson, he or she shall in addition to declaring the interest, recuse themselves from such meeting.

(3) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(4) No member or staff of the Commission shall transact any business or trade with the Commission directly or indirectly.

(5) A person who contravenes this section commits an offence and shall be liable, upon conviction, to a fine not exceeding three million shillings or to imprisonment for a term not exceeding seven years or to both.

PART III—FINANCIAL PROVISIONS

31. The funds of the Commission shall consist of—

Funds of the Commission.

(a) monies allocated by the National Assembly for purposes of the Commission;

- (b) such monies or assets as may accrue to the Commission in the course of exercise of its powers or in the performance of its functions under this Act; and
- (c) monies from any other source provided, donated or lent to the Commission.

32. (1) At least three months before the commencement of each financial year, the Commission shall cause to be prepared estimates of the revenue and expenditure of the Commission for that year in accordance with the provisions of the Public Finance Management Act.

Annual estimates.

No. 18 of 2012.

(2) The annual estimates shall make provision for all the estimated expenditure of the Commission for the financial year concerned and, in particular, shall provide for the—

- (a) payment of remuneration in respect of the members and staff of the Commission;
- (b) payment of pensions, gratuities and other charges in respect of benefits which are payable out of the funds of the Commission;
- (c) maintenance of the buildings and grounds of the Commission;
- (d) funding of training, research and development of activities of the Commission; and
- (e) any other expenditure necessary for purposes of this Act.

(3) The Cabinet Secretary shall present the estimates approved by the Commission under subsection (2) to the relevant committee of the National Assembly.

33. The financial year of the Commission shall be the period of twelve months ending on the thirtieth of June in each year.

Financial year.

34. (1) The Commission shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities of the Commission.

Accounts and audit.

(2) Within a period of three months after the end of each financial year, the Commission shall submit to the Auditor-General the accounts of the Commission in respect of that year together with —

- (a) a statement of the income and expenditure of the Commission during that year; and
- (b) a statement of the assets and liabilities of the Commission.

(3) The annual accounts of the Commission shall be prepared, audited and reported upon in accordance with the provisions of the Public Audit Act.

No. 34 of 2015.

35. (1) The Commission shall cause an annual report to be prepared for each financial year which shall be submitted to the National Assembly within three months after the end of the year to which it relates.

Annual report.

(2) The annual report shall contain —

- (a) the financial statements of the Commission;
- (b) a description of the activities of the Commission;
- (c) other statistical information as the Commission may consider appropriate relating to the functions of the Commission;
- (d) any recommendations made by the Commission to State departments or any person and the action taken;
- (e) the impact of the exercise of any of its functions;
- (f) any impediments to the achievements of the objects and functions under the Constitution, this Act or any other written law; and
- (g) any other information relating to its functions that the Commission considers necessary.

(3) The Commission shall publish and publicise the report.

36. The Commission shall, after every three months, prepare a report which shall be submitted to the National Assembly containing the following information= Quarterly reports.

- (a) a description of the activities of the Commission;
- (b) other statistical information as the Commission may consider appropriate relating to the functions of the Commission;
- (c) any recommendations made by the Commission to State departments or any person and the action taken;
- (d) the impact of the exercise of any of its functions;
- (e) any impediments to the achievements of the objects and functions under the Constitution, this Act or any other written law; and
- (f) any other information relating to its functions that the Commission considers necessary.

37. (1) The Commission may at any time, submit a special report to the National Assembly with respect to any aspect of the functions of the Commission which the Commission considers should, in the national interest, be brought to the attention of the National Assembly because it affects a wide cross section of the populace and there could be disastrous consequences if a report thereon is not brought to the attention of the National Assembly. Special Report.

(2) The President or the National Assembly may at any time require the Commission to submit a report on a matter within the mandate of the Commission.

PART IV — DISCRIMINATION AND NEGATIVE ETHNICITY

38. (1) A person discriminates against another person directly or indirectly if— Ethnic discrimination.

- (a) on ethnic grounds the person treats that other person less favourably than he or she would treat other persons; or
- (b) he or she applies to that other person a requirement or condition which would apply to persons of another ethnic group but—

- (i) which is such that the proportion of persons of the same ethnic group as that other person who can comply with the condition or requirement is considerably smaller than the proportion of persons not of that ethnic group who can comply with it;
- (ii) the person cannot show to be justifiable irrespective of the colour, race, nationality or ethnic or national origins of the person to whom it is applied; and
- (iii) is to the detriment of that other person because that person cannot comply with it.

(2) For the purposes of this Act, treating a person less favourably than another person includes the segregation of a person from other persons on ethnic grounds.

(3) Subsection (1) does not apply to treatment of a person who has made an allegation if it is proved in a court of law that the allegation was false and not made in good faith.

39. A person discriminates against another person by way of victimisation if the person carries out an act that is injurious to the well-being and esteem of that person by treating that person less favourably than other persons on grounds that the person discriminated against intends to or has—

Discrimination through victimisation.

- (a) brought proceedings under this Act;
- (b) given evidence or information in connection with proceedings under this Act;
- (c) alleged that a person has committed an act which would amount to a contravention of this Act; or
- (d) done anything under this Act in relation to any person.

40. A person subjects another to harassment on the basis of ethnicity if he or she engages in unwanted conduct which has the purpose or effect of—

Harassment on the basis of ethnicity.

- (a) violating that other person's dignity; or
- (b) creating an intimidating, hostile, degrading, humiliating or offensive environment for that other person.

41. (1) A public entity shall ensure representation of the diversity of the people of Kenya in the employment of staff and shall afford adequate and equal opportunities for appointment, training and promotion at all levels of public service to members of all ethnic groups.

Discrimination in employment.

(2) A public entity shall not recruit or have in its employment more than one fifth of its staff from the same ethnic community.

(3) An employer or potential employer or his or her representatives or assigns, in relation to employment at an establishment, shall not discriminate against another person—

- (a) in the arrangements made for the purpose of determining who should be offered that employment;
- (b) in the terms he or she offers the employment;
- (c) by deliberately omitting to offer that other person employment;
- (d) in the way he or she affords the employee access to opportunities for promotion, transfer or training or to any other benefits, facilities or services, or by refusing or deliberately omitting to afford the employee access to them; or
- (e) by subjecting the employee to any other detriment.

(4) An employer, his or her representatives or assigns shall not subject to harassment a person whom he or she employs or who has applied to him or her for employment.

(5) A person who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years, or to both.

42. (1) It shall not be deemed discriminatory under this Part where, having regard to the nature of the employment or the context in which it is carried out—

Exceptions to discrimination in employment.

- (a) being of a particular race or particular ethnic or national origin is a genuine and determining occupational requirement; and

- (b) it is appropriate to apply that requirement in the particular case and the person to whom that requirement is applied does not meet it.

(2) Being of a particular ethnic group, is an occupational qualification and not a ground for discrimination for a job only where—

- (a) the job involves cultural entertainment in a capacity for which a person of that ethnic group is required for reasons of authenticity;
- (b) the job involves a work of art, visual image or sequence of visual images for which a person of that ethnic group is required for reasons of authenticity; or
- (c) the holder of the job provides persons of that ethnic group with personal services promoting their welfare, and those services can most effectively be provided by a person of that ethnic group.

(3) The provisions of subsection (2) do not apply in relation to the filling of a vacancy at a time when the employer already has employees of the ethnic group in question—

- (a) who are capable of carrying out the duties falling specifically within that paragraph;
- (b) whom it would be reasonable to employ on those duties; and
- (c) whose numbers are sufficient to meet the employer's likely requirements in respect of those duties without undue inconvenience.

43. (1) An official, member, employee, assign or representative of a registered organization shall not discriminate against a person who is not a member —

- (a) in the terms in which it is prepared to admit the person to membership; or
- (b) by refusing or deliberately omitting to accept the person's application for membership.

Discrimination in membership organisation.

(2) A membership organization shall not discriminate against a person who is a member of the organisation on grounds of—

- (a) ethnicity;
- (b) in the way it affords the member access to any benefits, facilities or services, or by refusing or deliberately omitting to afford the member access to them;
- (c) by depriving the member of membership, or varying the terms on which he or she is a member; or
- (d) by subjecting the member to any other detriment.

(3) It is unlawful for a membership organisation to subject to harassment a person who is a member of the organisation or a person applying to be a member of the organisation on the ground of ethnicity.

(4) Subsection (1) shall not apply to cases where membership is limited to a given religious persuasion or profession.

(5) Any person who contravenes this section commits an offence and shall be liable, upon conviction, to a fine not exceeding one million shillings or to a term of imprisonment not exceeding one year, or to both.

44. (1) A public or private body shall not discriminate against any person in the provision of services.

Discrimination by other agencies.

(2) Subsection (1) shall not apply—

- (a) where it is proven that the alleged discriminatory act is a necessary requirement in the nature of business transaction and there is no alternative way of realising the desired goal; or
- (b) in the case of public authorities—
 - (i) in relation to any judicial act whether done by a court of law, tribunal or other person or any act done on the instructions, or on behalf, of a person acting in a judicial capacity; or
 - (ii) for any action undertaken by the Cabinet Secretary responsible for matters relating to

citizenship and the management of foreign nationals under the Kenya Citizenship and Immigration Act.

No. 12 of 2011.

45. (1) Public resources shall, as far as is practicable, be distributed equitably and geographically taking into account Kenya's diversity, population and poverty index.

Discrimination in access to and distribution of public resources.

(2) A public officer who is in charge of public resources shall distribute the resources in an ethnically equitable manner.

(3) Public resources shall be deemed to have been distributed in an ethnically equitable manner where—

- (a) an officer uses the criteria established under this Act or any other law in allocating resources by regions;
- (b) a specific region consistently receives more resources than another region and there is a clear justification for it; or
- (c) more resources are allocated to a region that requires start up resources than to an area that requires remedial resources.

(4) A public officer who contravenes this section commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years, or to both.

46. (1) A manager under this section shall mean a person who has the power to control, lease, let or dispose of public property or property that is wholly meant for use by the public.

Discrimination in property ownership, management and disposal.

(2) It is unlawful for a manager to discriminate against another person—

- (a) in the terms such manager offers, lets, manages or disposes the property to another person;
- (b) by unjustifiably refusing his or her proposal for sale or engagement in the property, where the same conditions do not apply to others who are not of the same ethnic group as the manager; or
- (c) in his or her treatment of a person with regard to any list of persons in need of property of that description.

(3) It is unlawful for a manager to discriminate against a person occupying premises—

- (a) in the way such manager affords a person access to any benefits or facilities, or by refusing or deliberately omitting to afford a person such access; or
- (b) by harassing or subjecting that person to any other detriment.

47. (1) A person who—

- (a) uses threatening, abusive or insulting words or behaviour, or displays any written material;
- (b) publishes, posts or distributes material in print, electronic or social media;
- (c) presents or directs the performance of a play to the public;
- (d) distributes, shows or plays, a recording of visual images; or
- (e) provides, produces or directs a programme, which is threatening, abusive or insulting or involves the use of threatening, abusive or insulting words or behaviour commits an offence if such person intends to stir up ethnic hatred, or having regard to all the circumstances, ethnic hatred is likely to be stirred up.

Ethnic or racial contempt.

(2) A person who commits an offence under this section shall be liable to a fine not exceeding one million shillings or to imprisonment for a term not exceeding three years or to both.

(3) In this section, “ethnic hatred” means hatred against a group of persons defined by reference to colour, race, clan, sub tribe, nationality, ethnic or national origins.

48. (1) Nothing contained in this Part shall render unlawful any act done—

- (a) to afford a person of a particular ethnic group access to facilities or services to meet the special needs of such a person in regard to their education, training or welfare, or other ancillary benefits; or

Exceptions to discrimination.

- (b) on grounds other than race, ethnic or national origin for the benefit of a person who is not a Kenyan citizen to afford the person access to facilities for education or training or other ancillary benefits, where it appears that the person in question does not intend to remain in Kenya after the period of education or training.

(2) Nothing in this Part shall render unlawful any act done in relation to particular work by a person in or in connection with —

- (a) affording a person of a particular racial group access to facilities for training which would help to equip them for that work; or
- (b) encouraging a person of a particular ethnic group to take advantage of opportunities for doing that particular work, where it reasonably appears to that person, that any time within the twelve months immediately preceding the doing of that act —
 - (i) there was no person of that group among those doing that work in Kenya; or
 - (ii) the proportion of persons of that group among those doing that work in Kenya is small in comparison with the proportion of persons of that group among the population of Kenya.

(3) Where in relation to particular work it reasonably appears to any person that although the condition for the operation of subsection (2) is not met for the whole of Kenya it is met for an area within Kenya, nothing in this Part shall render unlawful any act done by that person in or in connection with—

- (a) affording persons who are of the ethnic group in question, and who appear likely to take up that work in that area, access to training in preparation for that work; or
- (b) encouraging persons of that group to take advantage of opportunities in the area for doing that work.

**PART V—COMPLAINTS, INVESTIGATIONS
AND ENFORCEMENT**

49. A matter may be investigated if –

Matters that may
be investigated.

- (a) it is of such serious nature that it warrants an investigation; or
- (b) it concerns a possible contravention in relation to a class or group of persons.

50. (1) A complaint to the Commission may be made by –

Complaints.

- (a) a person acting in their own interest;
- (b) a person acting on behalf of another person who cannot act in their own name;
- (c) a person acting as a member of a group or class of persons;
- (d) a person acting in the public interest; or
- (e) an association acting in the interest of one or more of its members.

(2) A complaint may be made by or against an individual, a body of persons whether corporate or unincorporated, a public or private organisation, the Government or a specific body or officer of the government.

51. (1) A person may lodge a complaint with the Commission either orally or in writing.

Lodging a
complaint.

(2) Where a complaint under subsection (1) is made orally, the Commission shall cause the complaint to be recorded in writing.

(3) A complaint under subsection (1) shall be in such form and contain such particulars as the Commission may prescribe.

(4) The Commission shall require a complaint or information provided by a complainant to be verified by the complainant by oath or statutory declaration.

(5) Upon receipt of a complaint under subsection (1), the Commission shall within twenty-one days, notify the respondent in writing on the nature of the complaint and the

date on which the matter shall be considered by the Commission.

52: (1) If the Commission considers that a complaint—

Complaints not entertained by the Commission.

- (a) is frivolous, vexatious, misconceived or lacking in substance;
- (b) involves a subject matter that would be more appropriately dealt with by a court; or
- (c) involves a subject matter that has been adequately dealt with by a court,

the Commission may decline to entertain the complaint by notifying the complainant and the respondent in writing within thirty days after the day the complaint was lodged.

(2) Before declining to entertain a complaint, the Commission may, by written notice, invite any person to—

- (a) attend before the Commission, or a member or member of staff of the Commission, for the purpose of discussing the subject matter of the complaint; or
- (b) produce any documents specified in the notice.

53. (1) A respondent may apply in writing to the Commission to have a complaint or any part of it struck out on the grounds that it is frivolous, vexatious, misconceived or lacking in substance.

Application to strike out complaint.

(2) An application under subsection (1) may be made at any time—

(a) before the respondent has been given a notice to attend under section 51(5) or has otherwise been notified by the Commission or the Secretary of a date for conciliation; or

(b) after the conciliation has been completed but before the complaint is set down for hearing.

(3) The Commission shall hear and determine the application within sixty days of filing the application or after conciliation has been completed under subsection (2)

(b).

54. (1) The Commission may dismiss a complaint, and shall notify the complainant accordingly, if the Commission has had no substantive response from the complainant in the period of twelve months following a request by the Commission for a response in relation to the complaint.

Dismissal of stale complaint.

(2) A complainant may take no further action under this Act in relation to the subject matter of a complaint dismissed under this section.

55. (1) If the Cabinet Secretary considers that any matter raises an issue of important public policy, the Cabinet Secretary may refer the matter to the Commission, whether or not a complaint has been lodged or the Commission has considered the complaint or the complaint is in the process of being conciliated.

Referral by the Cabinet Secretary.

(2) The Cabinet Secretary shall not be a party to a proceeding in a matter referred to the Commission under subsection (1) unless invited by the Commission.

56. The Commission may, in managing conflicts and resolving disputes, and where it deems appropriate—

Alternative Dispute Resolution mechanisms.

- (a) establish *ad hoc* or standing peace committees comprising representatives of affected ethnic groups and experts where necessary;
- (b) establish mediation committees; and
- (c) involve traditional justice mechanisms relevant to a particular community, local administration and relevant national and county government agencies.

57. (1) Where the Commission considers it reasonably possible that a complaint may be conciliated successfully, the Commission may appoint a conciliator to facilitate an early voluntary settlement of the complaint between the parties.

Commission to refer complaints for conciliation.

(2) The conciliation process shall be voluntary and shall be conducted in accordance with the rules made by the Commission under this Act.

(3) The conciliation proceedings shall be private and confidential, and shall be conducted on a without prejudice basis.

(4) No person may refer to anything said at the proceedings during any subsequent proceedings, ~~unless the~~ parties involved in the dispute agree in writing.

(5) Any person who acted as conciliator may not be called as a witness during subsequent proceedings before the Commission or in any court to give evidence relating to the conciliation proceedings.

(6) The Commission shall make rules and guidelines for the better carrying into effect the provisions of this section.

58. The Commission shall make all reasonable endeavours to conciliate a complaint referred to it under section 57 and may, by written notice, require any person to—

Conciliation by
the Commission.

(a) attend before the Commission for the purpose of discussing the subject matter of the complaint; or

(b) produce any documents specified in the notice.

59. Upon satisfactory determination of conciliation, the conciliator shall cause to be signed, by both parties, a settlement agreement which shall be final and binding on the parties and enforceable as if it were a decision of the Commission.

Conciliation
agreements.

60. (1) Where conciliation fails or the parties or either of them objects to any conciliation efforts, the Commission shall set down the complaint for determination and issue a date on which the matter shall be heard.

Where
conciliation fails.

(2) The Commission shall, having heard the matter that is the subject of the complaint, make a report, issue any decision as it deems appropriate and give directions in connection with the complaint within sixty days.

(3) The Commission shall communicate its decision to the parties concerned within seven days from the date the decision is made.

61. (1) The Commission shall, in exercising its powers, pay particular attention to and expedite the disposal of special references.

Special
references.

(2) A special reference is—

- (a) a matter that has been referred to the Commission by the Cabinet Secretary under section 55;
- (b) a complaint the resolution of which may have significant social, economic or financial effects on the community or a section of the community; or
- (c) a complaint the subject matter of which involves issues of a particular complexity and the resolution of which may establish important precedents in the interpretation or application of this Act.

(3) The question of whether or not a matter is a special reference shall be determined by the Commission.

62. (1) A compliance notice issued under section 69 (e) shall require the person concerned to—

Compliance notices.

- (a) comply with a duty specified in the notice; and
- (b) inform the Commission, within thirty days of the date on which the notice is served, of the steps that the person has taken, or is taking, to comply with the duty specified in the notice.

(2) A compliance notice may also require the person concerned to furnish the Commission with such other written information as may be reasonably required by the notice in order to verify that the notice has been complied with.

(3) The notice may specify—

- (a) the time, no later than three months from the date on which the notice is served, at which any information is to be furnished to the Commission; and
- (b) the manner and form in which any such information is to be so furnished.

(4) A compliance notice shall not require a person to furnish information which the person could not be compelled to furnish in evidence in civil proceedings before the High Court.

63. (1) The Commission may apply to the High Court for an order requiring a person to furnish any information required by a compliance notice if—

Enforcement of compliance notices.

- (a) the person fails to furnish the information to the Commission in accordance with the notice; or
- (b) the Commission has reasonable cause to believe that the person does not intend to furnish the information.

(2) If the Commission considers that a person has not, within three months of the date on which a compliance notice was served on that person, complied with any requirement of the notice for that person to comply with a duty imposed by an order under section 62, the Commission may apply to the High Court for an order requiring the person to comply with the requirement of the notice.

(3) If the court is satisfied that the application is well-founded, it may grant the order in the terms applied for or in other terms that the Court may deem appropriate.

(4) A person who contravenes the provisions of this section shall be liable, upon conviction, to a fine not exceeding two hundred thousand shillings, or to imprisonment for a term not exceeding six months, or both.

64. The Commission shall have the power to issue a prohibition notice directing a person or entity involved in an action or conduct contrary to national cohesion, integration and peace building to cease such action or conduct within seven days.

Prohibition notice.

65. (1) The Commission may, for the purpose of conducting any investigation pertaining to an inquiry, employ the services of a public officer or investigation agency of the Government at the expense of the Commission.

Investigations by the Commission.

(2) For the purpose of investigating any matter pertaining to an inquiry, a public officer or agency whose services are employed under subsection (1) may, subject to the direction and control of the Commission—

- (a) summon and enforce the attendance of any person for examination;
- (b) require the discovery and production of any document; and

(c) requisition any public records and copies thereof from any public officer, subject to the Constitution and any written law.

(3) A public officer or any agency whose services are employed under subsection (1) shall investigate any matter pertaining to the inquiry and submit a report thereon to the Commission within six months.

(4) The Commission shall satisfy itself on the correctness of the facts stated and the conclusion, if any arrived at in the report submitted to it under subsection (3) and for that purpose, the Commission may make such inquiry, including the examination of any person or person's conduct to assist in the investigation as it considers necessary.

66. If the Commission decides to discontinue the investigation of a complaint, the Commission shall inform the complainant in writing of that decision and the reasons for that decision within thirty days of making the decision.

Notice if investigation on complaint is discontinued.

67. Before commencing an investigation under this Act, the Commission shall give notice of the intended investigation to the administrative head of a state organ, public office or organisation.

Notice of investigation to organization.

68. (1) Subject to subsection (2), if at any stage of an inquiry the Commission—

Persons likely to be prejudiced or affected to be heard.

(a) considers it necessary to inquire into the conduct of any person; or

(b) is of the opinion that the reputation of any person is likely to be prejudiced by the inquiry, it shall give that person an opportunity to appear before the Commission by himself or herself or through an advocate to give evidence in his or her own defence.

(2) This section shall not apply where the credibility of a witness is being impeached.

69. The Commission may, upon inquiry into a complaint under this Act take any of the following steps—

Action after inquiry.

(a) where the inquiry discloses a criminal offence, refer the matter to the Office of the Director of Public Prosecution or any other relevant authority;

- (b) recommend to the complainant a course of other judicial redress;
- (c) recommend to the complainant and to the relevant government agency or other body concerned in the alleged violation, other appropriate methods of settling the complaint or obtaining relief;
- (d) provide a copy of the inquiry report to all interested parties;
- (e) issue a compliance notice or summons as it may deem necessary; or
- (f) find the complaint or any part of it not proven and make an order that the complaint or part of it be dismissed.

70. (1) After concluding an investigation or an inquiry under this Act, the Commission shall make a report to the State organ, public office or organisation to which the investigation relates.

Report to organisation.

(2) The report shall include—

- (a) the findings of the investigation and any recommendations made by the Commission;
- (b) the action the Commission considers should be taken and the reasons for the action; and
- (c) any recommendation the Commission considers appropriate.

(3) The Commission may require the State organ, public office or organisation that was the subject of the investigation to submit a report to the Commission within a period of sixty days on the steps, if any, taken to implement the recommendations of the Commission.

(4) If there is failure or refusal to implement the recommendations of the Commission within the specified time, the Commission may prepare and submit to the National Assembly a report detailing the failure or refusal to implement its recommendations and the National Assembly shall take appropriate action.

71. The hearings of the Commission during an inquiry shall be open to the public except where the Commission for justifiable reasons decides otherwise.

Hearings of the Commission.

PART VI—MISCELLANEOUS PROVISIONS

Offences.

72. A person who—

- (a) subjects or threatens to subject another person to any detriment because the other person, or a person associated with the other person—
 - (i) has made a complaint against any person;
 - (ii) has brought any other proceedings under this Act against any person;
 - (iii) has given evidence or information, or produced a document, in connection with any proceedings under this Act;
 - (iv) has otherwise done anything in accordance with this Act in relation to any person;
 - (v) has contravened a provision of Part IV, unless the allegation is false and was not made in good faith;
 - (vi) has refused to do anything that would contravene a provision of Part IV;
 - (b) fails to comply with a notice by the Commission under section 69 (e);
 - (c) hinders or obstructs a Commissioner, member of staff of the Commission or the Secretary in the exercise of powers or the performance of functions under this Act;
 - (d) uses insulting language towards a Commissioner, member of staff of the Commission or the Secretary when the Commissioner, member of staff or Secretary is exercising powers or performing functions under this Act; or
 - (e) gives any information or makes any statement to the Commission, the Secretary or a person acting on behalf of the Commission or the Secretary in the exercise of powers or the performance of functions under this Act which the person knows is false or misleading in any material particular,
- commits an offence and shall be liable, on conviction, to a fine not exceeding five hundred thousand shillings or

to imprisonment for a term not exceeding twelve months, or to both.

73. In the case of an offence committed by a body of persons under this Act—

Offences by body of persons.

- (a) where the body of persons is a body corporate, every director of that body corporate shall also be deemed to be guilty of that offence; and
- (b) where the body of persons is a firm, every partner of that firm shall also be deemed to be guilty of that offence:

Provided that no such person shall be deemed to be guilty of an offence under this Act, if the person proves that the offence was committed without his or her knowledge or that the person exercised all due diligence to prevent the commission of the offence.

74. The members and staff of the Commission shall keep and maintain professional and ethical standards and shall adhere to and comply with the Commission's Code of Conduct.

Code of conduct.

75. This Act binds the Government.

Act binds Government.

76. (1) Proceedings against the Commission shall be deemed to be proceedings against the Government and shall be subject to the Government Proceedings Act.

Legal Proceedings against the Commission.

(2) Any notice or other process in respect of legal proceedings under subsection (1) shall be served upon the Secretary to the Commission.

Cap 40.

77. (1) A person shall not, either directly or indirectly disclose, communicate, or make a record of any information obtained during the performance of their functions or duties under this Act, unless it is necessary to do so for the purpose of or in connection with, the performance of a function or duty or the exercise of power under this Act or any other written law.

Confidentiality of information.

(2) Subsection (1) applies to every person who—

- (a) is or has been—
 - (i) a member of the Commission;
 - (ii) the Secretary to the Commission;
 - (iii) a member of staff of the Commission; or

(iv) any other person acting under the authority of the Commission; or

(b) has obtained information as a result of another person performing functions or duties or exercising powers under this Act.

(3) A person who contravenes subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding five hundred thousand shillings or to imprisonment to a term not exceeding one year or to both.

78. If a complaint has been lodged or a document or any information or evidence has been produced or given to the Commission, a person is not personally liable for any loss, damage, or injury suffered by another person by reason only of the lodging of the complaint or the production or giving of the document, information or evidence.

Protection of witnesses and informants.

79. A statement made by a person in the course of giving evidence before the Commission shall not subject such person to any civil or criminal liability except where such statement is false.

Statements made by persons to the Commission.

80. (1) A member of staff commits an offence if he or she =

Offences by member of staff.

(a) causes anything to be done through another person that would constitute a contravention of the Act if done by him or her; or

(b) allows or directs a person under their supervision or control to do anything that is in contravention of the Act.

(2) Subsection (1) (b) shall not apply where the thing is done without the member of staff's knowledge or consent or if the member of staff has taken reasonable steps to prevent it.

81. (1) If a public officer considers that anything required of them is in contravention of this Act or any other Act or is otherwise improper or unethical, the member or officer may report the matter to the Commission.

Reporting improper orders.

(2) The Commission shall investigate the report and take appropriate action within ninety days of receiving the report.

82. Any person who commits an offence under this Act for which no penalty is provided is liable, on conviction, to a fine not exceeding one million shillings or to a term of imprisonment not exceeding one year, or to both.

General penalty.

83. (1) A person who is aggrieved by a decision of the Commission under this Act may, within fourteen days apply to the Commission for a review of that decision.

Review.

(2) The Commission shall, within thirty days, determine and communicate its decision to the appellant.

PART VII — PROVISIONS ON DELEGATED POWERS

84. (1) The Cabinet Secretary may, in consultation with the Commission make Regulations for the effective implementation of this Act.

Regulations.

(2) Despite the generality of subsection (1), the Cabinet Secretary shall make Regulations—

(a) promoting the use of alternative and traditional dispute resolution mechanisms subject to Article 159 of the Constitution;

(b) prescribing procedures of complaints, conciliation committee and other bodies established under this Act; and

(c) prescribing forms for the purposes of this Act.

(3) For the purpose 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 rules to provide for the better carrying into effect the provisions of this Act;

(b) the authority of the Cabinet Secretary to make regulations under this Act shall be limited to bringing into effect the provisions of this Act and fulfillment of the objectives specified under this section;

(c) the principles and standards applicable to the rules made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act.

Cap. 2.

No. 23 of 2013.

PART VIII—TRANSITIONAL PROVISIONS

85. The National Cohesion and Integration Act is repealed.

Repeal of Act No. 12 of 2008.

86. In this Part —

Interpretation of Part.

“former Commission” means the National Cohesion and Integration Commission established under the National Cohesion and Integration Act, 2008.

Act No. 12 of 2008.

87. All rights, obligations and contracts which, immediately before coming into operation of this Act, were vested in or imposed on the former Commission shall by virtue of this section, be deemed to be the rights, obligations and contracts of the Commission.

Rights and obligations.

88. Upon the commencement of this Act, any member of the former Commission shall be deemed to be a member of the reconstituted Commission for the unexpired period of his or her term of service.

Members of the former Commission.

89. A person who immediately before the commencement of this Act, is the Secretary to the Commission, shall remain in office for the remaining period of his or her term, in accordance with the terms and conditions of their appointment.

Secretary to the former Commission.

90. Every person who, immediately before the commencement of this Act, was a member of staff of the former Commission, not being then under notice of dismissal or resignation shall be a member of staff of the Commission.

Transfer of Staff.

FIRST SCHEDULE

(s. 11)

PROCEDURE FOR APPOINTMENT OF COMMISSIONERS

1. Whenever there is a vacancy in the Commission, the Cabinet Secretary shall within fourteen days of the occurrence of the vacancy, by notice in the *Gazette* declare the vacancy in the Commission.

Vacancy in the Commission.

2. For the purpose of the appointment of the Commissioners, the Cabinet Secretary shall within fourteen days of the declaration of the vacancy constitute a selection panel consisting of —

Selection panel.

- (a) one person nominated by the Office of the President;
- (b) one person nominated by the Public Service Commission;
- (c) one person nominated by the Attorney-General;
- (d) one person nominated by the Ethics and Anti Corruption Commission;
- (e) one person nominated by the Parliamentary Service Commission;
- (f) one person nominated by the National Gender and Equality Commission; and
- (g) one person nominated by the Judicial Service Commission.

3. The Public Service Commission shall —

Role of the Public Service Commission.

- (a) convene the first meeting of the selection panel, at which the members of the selection panel shall elect a chairperson from among themselves; and
- (b) provide the selection panel with such facilities and other support as it may require for the discharge of its functions.

4. The selection panel shall, within seven days of convening, by advertisement in the media, invite applications from persons who qualify for nomination and appointment as Commissioners.

Advertisement for applications.

5. An application under paragraph 4 shall be forwarded to the Public Service Commission within fourteen days of the notice.

Period to submit application.

6. The names of all applicants under paragraph 5 shall be published in the *Gazette* and two daily newspapers of national circulation.

Publication of the names of all applicants.

7. The selection panel shall within fourteen days of receipt of applications under paragraph 5 consider the applications, interview and shortlist at least fifteen persons qualified for appointment as members of the Commission and shall forward the names of selected candidates to the President for nomination.

Shortlist to be forwarded to the President.

8. The President shall, within twenty one days of receipt of the names forwarded under paragraph 7, nominate one person for appointment as chairperson and eight persons for appointment as members of the Commission, and shall forward the names of the persons to the National Assembly for approval.

Nomination of Chairperson and members of the Commission.

9. The National Assembly shall, within twenty-one days of the day it next sits after receipt of the names of the nominees under paragraph 8, consider all the nominations received and may approve or reject any nomination.

Approval or rejection by the National Assembly.

10. Where the National Assembly approves the nominees, the Speaker shall forward the names of the approved persons to the President for appointment.

Procedure if the National Assembly approves a nominee. Gazettement by the President of the Chairperson and members.

11. The President shall, within twenty one days of the receipt of the approved nominees from the National Assembly, by notice in the *Gazette*, appoint the chairperson and members.

Communication of rejection of nominee by the Speaker.

12. Where the National Assembly rejects any nomination, the Speaker shall, within three days, communicate the decision of the National Assembly to the President to submit a fresh nomination.

Procedure if the National Assembly rejects a nominee.

13. Where a nominee is rejected by the National Assembly under paragraph 12, the President shall, within seven days, submit to the National Assembly a fresh nomination from amongst the persons shortlisted and forwarded by the selection panel under paragraph 7.

14. The selection panel may, subject to this section, determine its own procedure for the conduct of business and affairs.

Procedure for the selection panel.

15. The appointments to the Commission-

Principles to be observed while making appointments to the Commission.

- (a) shall be done in a fair, transparent and competitive manner based on merit, suitability and competence;
- (b) shall take into account the values and principles under Articles 10, 27 and 232 of the Constitution;
- (c) shall ensure that not more than two-thirds of the members are of the same gender; and
- (d) shall observe the principle of regional and ethnic balance and shall have regard to the principle of fair representation for persons with disabilities.

16. Despite the foregoing provisions of this Schedule, the Cabinet Secretary may by notice in the Gazette, extend the period specified in respect of any matter under this section by a period not exceeding twenty-one days.

Extension of period by the Cabinet Secretary.

SECOND SCHEDULE
OATH/AFFIRMATION OF OFFICE OF
CHAIRPERSON/MEMBER/SECRETARY

(s. 13)

I.....having been appointed (a Chairperson of / a Member of /a Secretary to) the National Cohesion and Integration Commission under the National Cohesion and Integration Act, do solemnly (swear/declare and affirm) that I will faithfully and fully, impartially and to the best of my ability, discharge the trust and perform the functions and exercise the powers devolving upon me by virtue of this appointment without fear, favour, bias, affection, ill-will or prejudice. **SO HELP ME GOD.**

Sworn/Declared by the
said.....

Before me this..... day of

.....

.....

Chief Justice

THIRD SCHEDULE

(s. 21)

**PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS
OF THE COMMISSION**

- 1.** (1) The Commission shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting. Meetings generally.
- (2) Meetings of the Commission shall be held on such date and at such time as the Commission shall decide or, in the absence of such decision on a date and at a time determined by the Chairperson in consultation with the Secretary.
- 2.** The Chairperson shall, on the application of at least three of the members, convene a special meeting of the Commission. Special meetings.
- 3.** The quorum for the conduct of business at a meeting of the Commission shall be five members. Quorum.
- 4.** The Chairperson shall preside over every meeting of the Commission and in the absence of the Chairperson, the members present shall elect one of their number who shall with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson. Presiding of meetings.
- 5.** Unless an unanimous decision is reached, a decision on any matter before the Commission shall be by a majority of votes of the members present and in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote. Decisions.
- 6.** Subject to paragraph 3, no proceedings of the Commission shall be invalid by reason only of a vacancy among the members thereof. Invalidity of proceedings.
- 7.** (1) The common seal of the Commission shall be authenticated by the signature of the Chairperson and the Secretary and any document required by law to be made under seal, and all decisions of the Commission may be authenticated by the Chairperson and the Secretary. Common seal.
- (2) In the absence of either the Chairperson or the Secretary in any particular case or for any particular matter, the Commission shall nominate one member to authenticate

the seal of the Commission on behalf of either the Chairperson or the Secretary.

(3) All instruments made by and decisions of the Commission not required to be under seal may be authenticated by the Chairperson and the Secretary.

8. The Commission shall cause minutes of all proceedings of its meetings to be entered in books kept for that purpose. Minutes.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to provide for a co-ordinated structure for cohesion and peace building and in Kenya. Further, the Bill seeks to align the Act with the present constitutional dispensation and structure of government by repealing the National Cohesion and Integration Act (No.12 of 2008) whose enactment was before that of the Constitution.

Part I (clauses 1-3) provides for the preliminary provisions.

Part II (clauses 4-30) provides for the establishment, functions and powers of the Commission.

Part III (clauses 31-37) provides for funds of the Commission.

Part IV (clauses 38-48) provides for discrimination and negative ethnicity.

Part V (clauses 49-71) provides for complaints, investigations and enforcement.

Part VI (clauses 72-83) provides for miscellaneous provisions.

Part VII (clause 84) provides for delegated legislation.

Part VIII (clauses 85-90) provides for transitional provisions.

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

The Bill delegates legislative powers to the Cabinet Secretary and the Commission. It does not limit any fundamental rights and freedoms.

Statement that the Bill concerns county governments

The Bill concerns county governments in terms of Article 110 of the Constitution.

Statement that the Bill is a money Bill, within the meaning of Article 114 of the Constitution

This Bill is a money Bill within the meaning of Article 114 of the Constitution.

Dated the 9th November, 2023.

ADAN HAJI YUSSUF,
*Chairperson, Committee on National
Cohesion and Equal Opportunity.*

**ANNEXURE 8: WITNESS
ATTENDANCE SCHEDULE FOR
THE PUBLIC HEARINGS**

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 7/06/2024 Venue Kipchoge Keino Complex

Time Started 10:00 am Time Ended 13:30 pm

Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	HOW JOSSES LELMENGIT	PARLIAMENT	MP	0722474387	
2.	HATI LIZ CHEBIE	"	CMP / V/CHAIR	072060130	
3.	JAMES BITOK	"	V/RAIDER	0720773049	
4.	JOHNSTONE MUSALIA	Captaincy	member	0725599991	
5.	ESTHER JEPKOECH TOO	URURU VILLAGE		0715032391	
6.	SUSAN WENDY	INTERIOR	ACC	0719873753	
7.	BENJAMIN KIPCHIREHIR	INTERIOR	A.C.C	0710289535	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	WILLY SAIGA	NYUMBA KUMI	.	0707876615	<i>Willy Saiga</i>
9.	LINUS KIPTOO	YOUTH LEADER	MEMBER	0762006757	<i>Linus Kiptoo</i>
10.	MERCY CHEMUTAI	MARATHONER	MEMBER	0711404787	<i>Mercy Chemutai</i>
11.	ELIJAH MATSON	EMPLOYEEN CONST. OFFICE	MANAGER	0722475030	<i>Elijah Matson</i>
12.	GEORGE KIPKEERT	NAUDI COUNTY ADMIN. OFFICE	SECURITY WARDEN	0700131339	<i>George Kipkeert</i>
13.	RAHAEK KOECH	NYUMBA KUMI	FARMER	0720367372	<i>Rahae Koech</i>
14.	ZABLON N. LUMBASIA	V. ELDER CHEPTINGET	POWERSAW	0728718621	<i>Zablon N. Lumbasia</i>
15.	Joseph Chebutiey	Nyumba Kuumi	SECURITY	0700321676	<i>Joseph Chebutiey</i>
16.	BRIAN KIPKOSGEI	KNCCI	MEMBER	0725472999	<i>Brian Kipkosgei</i>
17.	KARIUKI JACOBS	NCD - Naudi	member	0729421382	<i>Kariuki Jacobs</i>
18.	JACKSON SIEMA	V. ELDER	MEMBER	0723646517	<i>Jackson Siema</i>
19.	JANE CHEPKEMBOI	V. ELDER	MEMBER	0713520515	<i>Jane Chepkemboi</i>
20.	JULIUS KIPKEMEI	nyumbatumu	security	0791236218	<i>Julius Kipkemei</i>
21.	RODOLPH DOKUKU	farmer	farmer	0727073646	<i>Rodolph Dokuku</i>

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 7/06/2024 Venue Kipchoge Keino Stadium
Time Started 10:00am Time Ended 13:30pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	LEONARD MUGUJE	INTERIOR	DCC	072282852	
2.	GEORGE MUTHOKA	ATTACHEE		0768713573	
3.	MIRIAM CHEPKOECH	ATTACHEE		0748819038	
4.	NANCY JEPKEMEI	ATTACHEE		0704388260	
5.	SHEILA JEPKORIA	ATTACHEE		0748402407	
6.	SICA KIPLAGAT MAINO	ATTACHEE		0719558295	
7.	GLADYS KIBET	NEA EMPLOYMENT OFFICER	EMPLOYMENT OFFICER	0721345897	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	JACKLINE JEPKEMBI	WOMEN REP COMMITTEE KISumu SUB-LOC		0729 689173	Afu
9.	BENJAMIN SONGISE	Business man		0723 924061	AFU
10.	NANCY SHIKUTIWA	B-women		0769 664658	NSS
11.	FUNICE JEPTINUI	B-women		0724 631067	AF
12.	JEPKOSGEI MERCY	B-women		0708 277116	JES
13.	AMOS KIPKOECH	C.G.N	Intern	0793 538974	AFU
14.	MORRIS EKALE	P.S.V market	Transport	0725 990 880	Mau Flavel
15.	SIMON EKANDA	VILLAGE ELDER		0725 028629	P. Jo
16.	JOHN K. CHUMU	ATHLETICS COACH	COACH	0726 895 826	AFU
17.	JOHN KOSGEMBI	KACEI	VICAR	0720 999946	Koss
18.	ROBERT -K. KOGU	VILLAGE ELDER		0719 658 630	Quipfiri
19.	JANE TANUI	KIPTURAE	ADM ASST.	0723 819054	AFU
20.	SIMON EKANGA	VILLAGE ELDER		0725 028625	P. Jo

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 7/06/2024 Venue Kipchoge Keino Stadium

Time Started 10:00 am Time Ended 13:30 pm

Agenda Public participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	Rev Dr Peter Kano	F.B.O/PEACE	Chairman	0729457161	
2.	LEVINS NAGIDE	FINANCE AND ECONOMIC PLANNING	Worker.	0758181925	
3.	JULIANA JEROP Kihum	COUNTY GOV OF NANDI	Director Administration	0723335541	
4.	Rev Jeremiah Songok	Religious - ACK	Clergy	0720529661	
5.	JAKEL JEPIDO	OFFICE DEPUTY COUNTY COMMISSIONER	CERICAL OFFICER	0745905126	
6.	NICHOLAS K TITI	NATIONAL GOVERNMENT	Clerk	0721975554	
7.	SIMON KIMO	Bobaboda sides	Chairman	0711763703	

NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8. GEOFREY RUMUTI	VILLAGER	Worker	0757970163	
9. JENE SEPKOSGE	VILLAGER	Worker	0712918340	
10. DAVID KORIR	VILLAGER	worker	0715532062	
11. NAUMY S. KETER	COUNTY GOVT of NATAL	Director Public Participation	0727695994	
12. MARY WAMBUI	Youth	YOUTH	0746256057	
13. TANUS IKENNEDY	KAPSAMBASA-JA YOUTH	YOUTH	0723297354	
14. ZALFA SALIM	EMGWEN CONSTITUENCY OFFICE	KAPSABET WARD COORDINATOR	0715620916	
15. JOHNS KASUBI 'MRS. ABOR'	K N C C I	VICE CHAIR	0720999948	
16. PHILIP K SANG	Emgwen Constituency Office	Youth	0723953578	
17. ROSA CHEBEI	Business	Worker	0718111264	
18. SIBETH DENO	Emgwen Business	Business	0723081476	
19. Rael Jemato	Emgwen	Business	0729572075	
20. Monican Bitok	Emgwen	Business	0700711028	

REPUBLIC OF KENYA




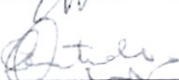
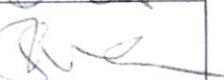
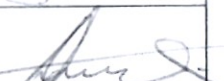

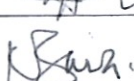
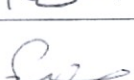
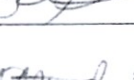
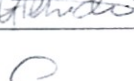

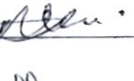
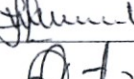
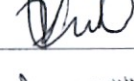
NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 6/06/2024 Venue Assistant County Commissioners Office
Time Started 10:20 am Time Ended 1:30 pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	Hon. Charles M. Lwanga	County Assembly of Kakamega	MCA	0724438548	
2.	Moses Kipch	Interior	Xa. DCC K.K. East	0724217132	
3.	JOICE A. OTORO	INTERIOR	ACC KHATEGA	0726308613	
4.	CHEOPHAS KOECH	INTERIOR	DCC K.K NORTH	0726489464	
5.	LORRAINE ONG'IDI	NCIC	Program officer (Mwanza Region)	0704567617	
6.	KENYA EMMANUEL	INTERIOR	ACC EAST	0712965022	
7.	Andrew Bakkeneka Aturo		Village Elder	070035390	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	PATRICK ANGUWA	CJPC	CHAIRMAN	0714456699	
9.	GODFREY MACHANTA	CJPC		0712087526	
10.	WYCLIFFE AMINDUKHA SEVEN	OPINION LEADER		0724563535	
11.	TWANGA GEOFFREY	OPINION MEMBER		0721822838	
12.	HON. HERBERT SIRE	FORMER MRA		0722691812	
13.	EDWIN NGARA	INTERIOR	CHIEF	0720246737	
14.	STANISLAW MUKALI	IKOLOMANI	NYUMBA IC	0722595500	
15.	GETRUD MUKASIA	Church leader		0724677239	
16.	SIMON SUSA	Church leader	Pastor	0712014618	
17.	RYAMUKHA MKANYI	IKOLOMANI		0758877781	
18.	LINDY M. KICHILI	MALAYA NORTH SUB COUNTY		0722466560	
19.	Vincent Kwanyu	Shinyalu Sub-County	Business man	0741666991	
20.	BENEDICT SITHAKAMILI	INTERIOR	CHIEF	0722680321	

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 6/06/2024 Venue Assistant County Commissioners Office
Time Started 10:20am Time Ended 1:30pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	JOSEPHAT O. LIKUYANI	INTERIOR	SNR. ASSIST-CHIEF -LUGOSE	0720882145	
2.	HEZRON MWIROTSI	INTERIOR	SNR-OFFICER.	0710778923	
3.	V-CATHLUKA ANSONI	INTERIOR	EXECUTIVE OFFICER	0725024851	
4.	MALEB KHATIOL	C B F	SECURITY	0798356019	
5.	JUDITHI. MBEHELO	WOMEN LEADER	M Y W O	0726588003	
6.	EUPHRESIA AMUKARIGA	cdk office	secretary	0720957420	
7.	Josephine N mate	Opinion leader	Human Rights	0720325811	Josephine

NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8. KENNETH SHIKONO	OPINION LEADER SHEKIN-TAK SUB COUNTY	Opinion leader	0722937880	
9. ALGERY MAMLET, LIKHOBI	Opinion leader IKOLOMAN SUB-COUNTY	Opinion leader	0721685494	
10. ASHITIBA EDWARD	SHINYALU	OPINION LEADER	0721736650	
11. FRED LIKYANI	SHINYALU	Opinion leader	0720672833	
12. Michael ngongokusti	ikobomoni	Opinion leader	0714725562	
13. GABRIEL B. ASHIONO	ISUKHA SOUTH SHINYALU	OPINION LEADER	0724705642	
14. SARIS AKH HUNDU	KAKAMEGA EAST SUB COUNTY	HTWASA KUMI LEADER	0720470574	
15. FLERAY MBASI	KAKAMEGA EAST SUB COUNTY	YOUTH LEADER	0715339804	
16. JOHANN M. IHACAH	KAKAMEGA EAST	REFUGEE LEADER	0743342661	
17. PATRICK KAKA	VAKAMEGA EAST	VILLAGE MANAGER	0727567069	
18. Bonface Lubembe	Boda	boda Chair	012483246	
19. Benson mubhila	Shingulu	Opinion leader	0703678279	
20. ADELAIDE MUYANI	TREAS POSA KIMATEGA MARKET	TREASURER	0721870278	
21. MARIANA MUKITSI	WHATEGA MARKET	VICHAIR	0725014213	
22. JUDITH NGINGA	W.R CHEMAPAN.	W.REP.	0726554446	
77			0729457000	

REPUBLIC OF KENYA



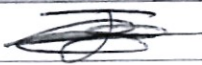





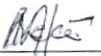





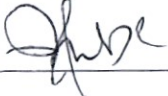
NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 6/06/2024 Venue Assistant County Commissioners Office
Time Started 10:20am Time Ended 1:30pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	Bishop Linus Mmuka	CHURCH Bishop	Servant of God	0722888443	
2.	Margaret Munkia	Business	Business lady	0722249138	
3.	Hon. Kaburu	^{MP'S} Political circle	MP'S office	0718198720	
4.	KENNEDY NGAMA	YOUTH OFFICE REP	Y. R.	0716279775	
5.	SIMON M. NAMBWA	INTERIOR	CHIEF KAVANDELA NORTH	0712937194	
6.	BOAZ MUKAVAMUJA	HUMAN RIGHTS DEFENDER	CHAIRMAN	0723346969	
7.	Sheikh Attoro	Mosque	Youth Representative	0745673702	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	Johnstone Ihagi	BUSINESS	OFFICE of M.P	0712564617	
9.	MILDRED G-SHITAFU	NYAD	ASSISTANT CHIEF CHAIRMAN	0713526733	
10.	ALBERT MUKIMBO	HUMAN RIGHTS COUNTY GOVT	SHINYA	0721324727	
11.	ELIZABETH AMBECHI	CA MUNASIO County Govt	CAA SHINYA	0794326027	
12.	LIPAZW ACHESA		CAA SHINYA	071327873	
13.	Barnabas Musungu	BUSINESS	Khayego	07	Barnabas
14.	STEPHEN KENSI	CAC	MUSENO	0717399433	
15.	KIZITO MURUNDA	--	KHAYEGO	0723060720	
16.	ANTHONY MAJIMBO GREGORY ANJULA	SECURITY COMM.	Lubambo KHAYEGO	0724356190 0707370999	 
17.	SILVESTER LUTSHI	BUSINESSMAN	Khayego	0728072947	
18.	Mavin Ndos Obote	SPORTS COACH	KHAYEGIA	0745990969	
19.	KIZITO KHAOTAI	Nyumba lo	MUSENO	0728232618	
20.	EVANS LUVITSE	SPMAN	SHINYA	072488355	

REPUBLIC OF KENYA















NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 05/06/24 Venue Kisumu Kabando Public Hall
Time Started 11:00am Time Ended 14:00pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	LORRAINE ONG'IDI	NCIC	PROGRAM OFFICE (NYANZA REGION)	0704567617	
2.	DAVID NATE	NPS-APS	AP Commander	0723119498	
3.	JOSHUA OJHANG	ODP-RAHUMBO	SECURITY	0733876747	
4.	DAVID KIROI	DCI	SCCID	0720652910	
5.	RUKIAH NAMASWA	NPS-KPS	DCS OYUGIS	0721711816	
6.	JULIUS MOSETI	INFORMATION	SCID	0724785541	
7.	JOHN OBONYO			0722225559	

NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8. HERBERT O. NYABORI	-		0728840034	
9. DAVID KAZALIKA		TEACHER	0721770458	
10. NESHACK OTOO	Rachungyo Sult.	BOM CHAIR - NYABARI	0111493474	
11. HENRY O'KIBUACH	R. SULT	Village Elder	0708588810	
12. CHARLES NGESE	CHURCH	EVANGELIST	0726675957	
13. GEDION Magalo	R North Kamogok	-	-	
14. Judith Auma otieno	North Kamogok	Village Elder	0712026738	
15. Pinach Akeyo Shem	North Kamogok	Village Elder	072749794	
16. DAVID EDWAR DREKO	RAIUNYO SULT	OPINION leader	0704722565	
17. JOH OJOWI OJAKE				
18. RACHEL ONYANGO	SAYE MIXED	TEACHER	0720982452	
19. ADONGO THOMAS	SAYE MIXED	PRINCIPAL	0722665022	
20. JOSEPH O. OMUNGA	TEACHER	(R.D) HT	0713385256	

REPUBLIC OF KENYA









NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 05/06/24 Venue Kasipul Kabondo Public Hall
Time Started 11:00am Time Ended 14:00am
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	Osoi Brian	Student	Oyugis Town	0794739810	
2.	Richard Anyumui	AKUNA	God-nyang'o	0743242190	
3.	LOU OKEO	WEST-RACHOYO	WEST-RACHOYO DC	072610680	
4.	JANE RANA	MWAMUUTI	RACHOYO South	0727601749	
5.	HARRISON NYAGOMA	Ado Girls Sec	Teacher	0111927795	
6.	AKILIAS ABONGO	SPIRITUAL	ARCH BISHOP	0726460045	
7.					

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	FREDRICK ODERO	MWANANCHI	NYAFARE	0719881331	
9.	ROSE ATIENO OUMA	MWANANCHI	AOLO	0711371592	
10.	GRACE AOKO ODOTO	MWANANCHI	NYAFARE	0715831383	G.A.
11.	JARED OWINO ONUONGA	MWANANCHI	AOLO	0741798395	
12.	JOHN OAHIAMBO BONYE	MWANANCHI	NYAFARE	0795878105	
13.	ROSE Adhiambo		KOSIRA	0715877610	
14.	FREDRICK OMITI		NYALENDA	0762845600	
15.	BENTA OKOTI		KOSIRA	0718518517	RO.
16.					
17.					
18.					
19.					
20.					

REPUBLIC OF KENYA




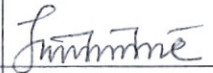
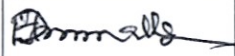







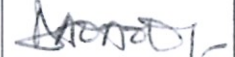
NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 05/06/24 Venue Kasipul Kabando Public Hall
Time Started 11:00 am Time Ended 02:00 pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	BENSON DYOO MISIGO	NGRO	SNR. CHIEF	0728752030	
2.	DANIEL ODHAMBO KOBE	NGAO	SNR. ASST. CHIEF	0727892537	
3.	KENETH OMANUO MALACHI	NGAO	ASSISTANT CHIEF	0725380059	
4.	ERICK OTENO BATHOLA	NGAO	SNR ASST. CHIEF	0722372195	
5.	HELEN ODERO OMOLA	SEC ORANGI W. REP	SEC ORANGI W. KASIPUL	0728072766	
6.	JAVAN OMOLO	COM KASIPUL	COM	0710216040	
7.	GEORGE ODIMBA ONUOR	RACHUANYO WEST	OPINION LEADER	0714106936	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
	B				
8.	Ben Mwayo	Rachungo West	Opinion Leader	0721280958	
9.	Lonnie O. Rapemo	Rachungo south.	Opinion leader	0725530580	
10.	Elly Owalla	Rachungo West	Opinion leader	0745798842	
11.	Mary Omotto	Rachungo south	Opinion leader	072259486	
12.	Selin Auma	Rachungo south	Opinion leader	0726178144	See
13.	Hellen Okoth	Rachungo South	Opinion leader	0726978329	
14.	Beatrice Owiti	Rachungo South	Opinion leader	0704250629	
15.	Reuben Opar	Rachungo South	Opinion leader	0703411522	ROP.
16.	Mary Adhimo	Rachungo South	Opinion leader	0705560261	
17.	ZAKARIA AMING	Rachungo South	Opinion leader	0714922755	
18.	ERIC NYAKADDO	Rachungo South	Opinion leader	0706388561	
19.	Semwal Omanda	Rachungo South	Opinion leader	0714255248	
20.	DANCAN OUMA ADUO	RACHUNGO SOUTH	OPINION LEADER	0703614441	

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

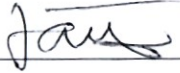

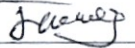



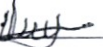





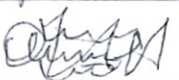
COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 05/06/24 Venue Kasipal Kabondo Public Hall
Time Started 11:00 am Time Ended 02:00 pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	FRANCIS OMULO TUMBA	RACHUONYO WEST SUB COUNTY DEV. COMM	MEMBER OF SUB COUNTY COMMUNITY	0715 436 939	
2.	JOHN OGWEMIA NYANG	RACHUONYO WEST SUB COUNTY DEV. COMM	MEMBER OF SUB COUNTY COMMUNITY	0721214610	
3.	STEPHEN O. MAENA	TSC	HEADTEACHER	0729957810	
4.	ILLA O. CRISPIN	TSC	HEADTEACHER	0724911831	
5.	JOSEPH EDWARE ENDORO	RACHUONYO SOUTH COUNTY	MEMBER OF SUB COUNTY	0743857936	
6.	JACION Ouyango	South-S county	county	0799982318	
7.	DIKSON SNA	RACHUONYO S-COUNTY	PEASANT FARMER	0722474812	

5

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	JAMES NSARE	NG. C.D.P KASIDAL	COMMITTEE	0715796154	
9.	PERES RUMA	RACHUANYO SOUTH	COMITTEE	0702733845	
10.	JANE AJUANG	RACHUONYO SOUTH	COMINT	0714150361	
11.	Lorna Awino	Rachuonyo South	committee	0713921379	
12.	Pamela Aoko	Rachuonyo South	committee	0714158659	
13.	RICHARD ODRO	RACHUONYO SOUTH	COMMITTEE	0721348587	
14.	Samson O. Akoyo	Rachuonyo South	COMMITTEE	0725242259	
15.	Salomo Atieno	Rachuonyo South	COMMITTEE	0748620692	
16.	CHARLES DMELLO	R. S	committee	0712880126	
17.	Pamela Atieno Omollo	R. S	Committee	07434348494	
18.	Micha Wafuig	R. S	Committee	0793772397	
19.	CAVIN SUBB	R	C.		
20.	GEORGE ONTANGO	R. SOUTH	MEMBER OF SUB COUNTY COMMUNITY	0114357042	

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 4/06/2024 Venue Kisumu

Time Started 10:30am Time Ended 15:30pm

Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	BOAZ OGOLLA	COMMUNITY ELDER	ELDER	0724946017	
2.	OKENO GEORGE DICKSON	INTERIOR	ACC	0757768917	
3.	OGAI KEVIN ESTUANI	INTERIOR	ACC ATTACHEE	0740755718	
4.	MARITTA AILENO HONGO	INTERIOR	ACC	0704219288	
5.	ROSE ACHIENG JUMA	INTERIOR	ELDER	0726849752	
6.	SYPROSE OMYANGO	NCC	KISUMU COUNTY WOMEN REP.	0796144796	
7.	WILKISER A. DWILE	NCIC ALUMNI	TDI - COMMUNITY	0721958257	
	LORRAINE ONG'LOI	NCIC	Regional Dialogue Program Officer	0704567617	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
	FLORENCE A. OKWIRI	SDGAA	GENDER OFFICER	0792706044	
8.	CHERYL REBECCA NAMUNZI	COMM. ELDER	N.E.W ELDER	0727233406	
9.	SOPHIA SHABANI	COMMUNITY ELDER	W N J	0728739631	
10.	PAMELA ANHIAMBO OTIENO	Comm-member	WEST MAKACH	0729810184	
11.	SUSANA ATIENO OUMA	V. ELDER	KANYAKWAR	0797219370	
12.	SAMSON ODIA OMULO	V. ELDER	KANYAKWAR	0725613510	
13.	EVANS OIENO	BAKOPE	P.O	0745323537	
14.	JOSHUA OPAWDE	Parajo for Transparency	P.O	0723413740	
15.	FREDRICK BABU OCHIENG	V. ELDER	AWASI	0721459384	
16.	PAUL OCHIENG	V. ELDER	AWASI	0713930398	
17.	Henry Oyugi, Kang	V. ELDER UNDER CHIEF	VILLAGE-ELDER	0725700038	
18.	HENRY AGINGU SIKU	Local Admin Kisumu North	Elder	0722451014	
19.	REEZ OBOMDI	ECJP	KISUMU WEST	0727762540	
20.	Newton Odongo	Thundiboro	Thundiboro Makach	0722845832	

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 4/06/2024 Venue KISUMU
Time Started 10:30am Time Ended 15:30pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	HELLEN OCHIENG'			0791808628	
2.	Dan Gov	KASH	Administrator	072180585	
3.	NELSON OWEGI	MYANRA WFP NETWORK	CHAIRMAN	0720865001	
4.	Jamila A. Salim	Kimwidi	chairperson	0724280038	
5.	VIRCEAT OUMA DENGA	COPTIC MISSION CHURCH	YOUTH LEADER	0768548924	
6.	Byron Omandi Ochieng	Coptic Mission	Youth	0705834882	
7.	ROSEMARY AKIKIYE	Coptic Mother Church	Chair mothers UNION	0725586703	
	GEORGE OTIENE OBIKPO	COPTIC MOTHER CHURCH	YOUTH MEMBER	0715733896	

NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8. LINDA A. ACHENG	Food Nourishment Nest ward	Supervisor Road Maintenance K/S	070049266	
9. PHILIP MISTIA	CAPIC ORTHODONTIC CLINIC	DEHCON	0741590151	
10. TOBIAS USMANO	JABALI	RESPONSIBLE CITIZEN	0740182165	
11. John Munda	John Gada	John - Local	0712889623	
12. ALSTINE OLINDO	N/A	RESPONSIBLE CITIZEN	0707254222	
13. WAHID ISMAEL	NUBIAN COMMITTEE	Youth	0741995575	
14. STUA HASSAY ADAR	NUBIAN Community	Team	0759486072	
15. HANGER RICE ODHAMBO	YPA	YOUTH	0711410657	
16. Anthony Okou	County Peace Forum KSM	v Chairman	0710116134	
17. ERIC OLANGA	CAPIC ORTHODONTIC	Health leader	0768597643	
18. ROBERT O. ODIE	U/CHDEE U/CHDEE	Opinion leader CHDEE - loc.	070161485	
19. STEPHEN SHIBH	Kisumu West	E. Kisumu Location REP	0723901071	
20. CALIB O. ODIE	Kisumu West	OPINION LEADER	0721950272	

a1 KOTHAR DITIRO
a2 DITIRO MARGAL

KISUMU EAST 2 OFFICER
Kisumu

0723/60882
0726298261

REPUBLIC OF KENYA






NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

Date 04/06/2024 Venue Kisumu
Time Started 10:30 am Time Ended 15:30 pm
Agenda Public Participation

WITNESS ATTENDANCE SCHEDULE

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	BENSON D. LOKARMOYO	INTERIOR	COUNTY COMMISSIONER	0722241081	
2.	LANGAT W.K. BOSEK	INTERIOR	DCC KISUMU Centre	0721320027	
3.	LUCY C. BOAZ	INTERIOR	ACC	0726152942	
4.	Mathew Mathenge	INTERIOR	-Assistant ACC county Commissioner	0727555257	
5.	MUSIAMBO RAHUL	INTERIOR	ASSISTANT COUNTY COMMISSIONER	0717513481	
6.	Nahsha Ngweni	NPs Rep- Kisumu	Constituent Manager	0722961764	
7.		Central Constituency			

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	LORAINÉ ONG'IDI	NCIC	Regional Program Officer	8704567617	
9.	VICTOR OPAKA BASHIER	MYAMUDI	Chief Security	0712190669	
10.	STEVE ODUNSGO ALWO	11	11	0701628408	
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REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

Date 04/06/2024 WITNESS ATTENDANCE SCHEDULE
Venue KISUMU
Time Started 10:30am Time Ended 15:30pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	John Oluo Mburu	NGAO	ALCHIEF	0702329344	MCS
2.	Dominico Owiti	Kisumu County Peace Forum	Chairman	0793997314	OW
3.	GEORGE ALAMBO	WESTERN KENYA HUMAN RIGHTS ASSOCIATION	CHAIR	0792789974	AL
4.	DAVID OGORO	KENYA NATIONAL ASSOCIATION OF DEAF	SECRETARY KSM BRANCH	0740101309	OG
5.	RUTH HELIMA OTIENO	KSM EAST PEACE COMMITTEE	CHAIRPERSON	0728209399	HEL
6.	SHARON ANYANGO OCITIENG	KENYA NATIONAL ASSOCIATION OF DEAF	MEMBER	0740931902	OX
7.	LINDA ADHAMBO	KENYA NATIONAL ASSOCIATION OF DEAF	MEMBER	0726543275	LA

NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8. JOHN KEVIN DWISD	N.GAD	C.O 1	0722158467	
9. ENOCK DAKHAMBO MULURE	ELDER UNDER ASSISTANT CHIEF OFFICE SOUTHERN LOCAL GOVERNMENT	ELDER	072605547	
10. Francis Duma	KCSMA	Member	010173075	
11. JOSEPH ISWEKHA	V.E. NORTHERN	VILLAGE ELDER	0722 601091	
12. FRED OUMA MISAHA	V.E NORTHERN	VILLAGE ELDER	0723276495	
13. Agnes Amadi	kenya national Association of	member	0717259584	
14. Jactore Onyio	Radio Jabali	Member	0114376702	
15. Elizabeth Celesta Onyigo	Office of Women REP	member	0707170668	
16. Celline Akinyi Ogola	Elite Deaf Comm	Sign language Interpreter	0704343676	
17. KIBET KEVIN KIPLOGEI	Radio Jabali	Member	01110339112	
18. MAUREEN KENUNTO	GRAM	PROG. COORDINATOR	0724906643	
19. REBECCA OKINDA	Ntakach Sub-County	Land Control Board Member	0722610699	
20. ELIZABETH A. ONDUNGA	Ntakach sub county	Land Control Board Member	0713 622942	

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 4/06/2024 Venue KISUMU
Time Started 10:30am Time Ended 15:30pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	WASONGA LINDA AKINJI	KNA	Journalist	0793766029	
2.	Owen Jimbo	KNA	Journalist	0709204291	
3.	SOPHY JUMA	RADIO NAMLOLWE	Journalist	0762051004	
4.	MARY OMWIDI	RADIO NAMLOLWE	Journalist	0715237360	
5.	Beryl Akoth Oginga	RADIO NAMLOLWE	JOURNALIST	0799447100	
6.	Michael Ochang'a	Radio Nam Lolwe	Journalist	0114584311	
7.	Fredinand Oloo Ondoyi	Ksm-Khest	Rahia	05723092861	
8.	TOBIAS OGUTO	NCKK	Media Personality	0758751402	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	DANIEL OGACHO	CITIZEN	CITIZEN	0724777993	
9.	DOLPHINE ODHAMBO	NAM LOLWE FM	JOURNALIST	0112936324	
10.	Samuel O. Mbuye	Y.W.C.A	Representative.	0718990614	
11.	Luriah Nana	YWCA	Representative	0998484102	
12.	KEVIN OTIENO ONGUDI	CITIZEN	CITIZEN	0710242841	
13.	CHRISTINE AKINTI OMONDI	CITIZEN	CITIZEN	0715453875	
14.	ELVICE JOSHUA MODI OMBANGO	CITIZEN	CITIZEN	0746905686	
15.	Bp. CLEMENT OTIENO OMBATI	NCCK/PPAK	BISHOP CHAIRPERSON	0722351341	
16.	Joyce Akinyi Nyinya	CITIZEN	CITIZEN	0720789022	
17.	MONICA ADHAMBO OTIENO	CITIZEN	C.H.P	0726498785	
18.	Bishop ODAGO ONDOLA	NYAMANDO CLERGY	BAPTIST	0714745770	
19.	RICHARD OMONDI OCHIENG	LEAD INITIATIVE, KENYA	PROGRAMS OFFICER	0719668973	
20.	FELISTERS OTUMA	COMMUNITY POLICING	COMMUNITY POLICING	0720890156	

21. Esther Kumbua

CITIZEN

CITIZEN

0759960029

22. Ochori Violet

CITIZEN

CITIZEN

0759552063

23. PHANICE

ONG'ALE

NTALENDA YOUNG TURKS

NOBILIZER

0707845199



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 6/06/24 Venue KWALE
Time Started 10:00AM Time Ended 3:00PM
Agenda PUBLIC PARTICIPATION

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	CHANGOMA MBWANA	KWALE KWALE	CHIEF	0721723195	
2.	SEIF KATSERE	KWALE	RESIDENT	0700856431	
3.	GRISSITO ALI	Kwale	RESIDENT	0792494431	
4.	MWINTI HONZA	KWALE	RESIDENT	0112334314	
5.	HAZINA MBETU	KWALE	RESIDENT	0701566600	
6.	ABDULMAJID RAMA	KWALE	RESIDENT	0790012691	
7.	MESEREMANI MBUI	Kwale	RESIDENT	0723343891	
8.	BAKARI MWACHITU	Kwale	RESIDENT	0742202184	
9.	MWANAKOMBE	Kwale	RESIDENT	0746232385	
10.	Miriam Ndunge	Kwale	RESIDENT	071337128	

11.	JUMAA BEMBUCHU	KWALE	RESIDENT	0710505850	
12.	UMAZI BATI	KWALE	RESIDENT	0703689031	Ue
13.	BILAL SAID	KWALE	RESIDENT	0702317987	
14.	BRIAN KUBAI	KWALE	RESIDENT	0741930441	
15.	SHSE MUSYA	Kwale	RESIDENT	0700303012	
16.	HANISI Saliwa	Kwale	Chairman Shimani CPA	0226013188	
17.	REHEMA ALI SAMANDA	KWALE	RESIDENT	0758706624	
18.	DODIS KUMBU	KWALE	RESIDENT	0712928529	
19.	Peninah Kwanjiku	Kwale	resident	0758610905	
20.	RASHID MFSUMI	KwALE	RESIDENT	0752597231	
21.	JUSTINA KYANGO	Kwale	resident	0715625545	
22.	Agnes Athenge	Kwale	resident	0725685594	
23.	MWANAJUMA HANISI	KWALE	Resident	0711363883	
24.	MWANYUMBA	KWALE	Resident	0745402928	
25.	Guya Amari	KWALE	Resident	0745648800	
26.	Dancan KIOKO	Kwale	Resident	0721033509	
27.	Onar Juma	Kwale	Resident	0743636008	
28.	Ali Charles	Kwale	Resident	0741761376	



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 6/06/24 Venue KWALE
Time Started 10:00AM Time Ended 3:00PM
Agenda PUBLIC PARTICIPATION

Table with 5 columns: NAME, ORGANIZATION, DESIGNATION IN FULL, CONTACT, SIGNATURE. Contains 10 rows of witness attendance records.

11.	FATUMA JUMA	KWALE	RESIDENT	0716387939	719000
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NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 7/06/24 Venue MOMBASA
Time Started 10:00AM Time Ended 4:00PM
Agenda PUBLIC PARTICIPATION

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	JAMES KALUNJIN	NYALI	RESIDENT	0791926693	
2.	DENIS KUHKA	NYALI	RESIDENT	0792106325	
3.	MARY KANAI	NYALI	RESIDENT	0792172237	
4.	SAHOTI NGIRUA	NYALI	RESIDENT	0707141304	
5.	WILLIAM LENKGA	NYALI	RESIDENT	0740639759	
6.	LENKESIA ROINE	NYALI	RESIDENT	0712673407	
7.	PAUL MUTEMI	NYALI	RESIDENT	0743398957	
8.	THOMAS KAVUKU	NYALI	RESIDENT	0725238179	
9.	TENDEE KOITANGE	NYALI	RESIDENT	0700327118	
10.					

11.	RACHEL M. MBUNGA	NYALI	RESIDENT	0791159014	JD
12.	CAROLINE N WANTAMBA	NYALI	RESIDENT	0799409935	CL
13.	JAMES NRI MBA	NYALI	NG-CDF NYALI	0712622747	JD
14.	ISMAIL MANGALE ALI	NYALI	RESIDENT	0746915547	JD
15.	MUSA AMAIZA	NYALI	RESIDENT	0716944209	JD
16.	Nurseline Valerian	Kadzandani (Nyali)	RESIDENT	0794685885	JD
17.	ANDREW MIHWI	^{ZINDA} NYALI	RESIDENT	0722688407	JD
18.	MWAMAMKUU ABBAS	NYALI	RESIDENT	0712881203	KAB
19.	KAIGUIRE JOSEPH	NYALI	RESIDENT	0708002184	JD
20.	Edwin momanyi omwanga	NYALI	RESIDENT	0799572076	JD
21.	SAMSON OLEND	NYALI	RESIDENT	0729393864	JD
22.	Juma DOOR	NYALI	RESIDENT	0722252281	JD SA
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NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

Relax

Date 7/06/2024 Venue MOMBASA
Time Started 10:00AM Time Ended 3:00 PM
Agenda PUBLIC PARTICIPATION

WITNESS ATTENDANCE SCHEDULE

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	Emmanuel Kiplagat	Nyali	Resident	0716803366	
2.	Estim Mohammed	Nyali	Resident	0720641855	
3.	Salim Maulid	Nyali	Resident	0114462091	
4.	Mwinyi Chala	Nyali	Resident	0702711383	
5.	SALIM BAKARI	NYALI	Resident	0759418560	
6.	JOHN NJOROGI	NYALI	Resident	0746009373	
7.	Joyce Kaguru	Nyali	Residence	0723880092	
8.	Wycliffe Mwaigho	Nyali	Resident	0112528065	
9.	Harou Nagoth	Nyali	Resident	0748952432	
10.	NORAH KWIAMBOKA	NTALI	Resident	0727458496	

11.	William Geiconge	NYALI	RESIDENT	072790202	W
12.	FREDRICK OTIENO	NYALI	RESIDENT	0704069894	F
13.	FRANCIS MAWNU	NYALI	RESIDENT	0727909707	F
14.	Sinaida Cynthia	NYALI	RESIDENT	0714541438	S
15.	Asya Omar	NYALI	RESIDENT	0718201878	A
16.	Jeraru Abaya	NYALI	RESIDENT	011547946	J
17.	Kasungu charo	NYALI	RESIDENT	07137143255	K
18.	RAMA HAMISI	NYALI	RESIDENT	0759880508	R
19.	Hamisi Mhalla	NYALI	RESIDENT	0792586071	H
20.	MARIAM KHAMISI	NYALI	RESIDENT	0707719876	M
21.	Fatuma Salim	NYALI	RESIDENT	0735393013	F
22.	PHILIP MWAKI	NYALI	RESIDENT	0703588540	P
23.	ABDHI YUSUF	NYALI	RESIDENT	0705092107	A
24.	FREDRICK OPOKO	NYALI	RESIDENT	0726668792	F
25.	ALEX ASTONO	NYALI	RESIDENT	0725343071	A
26.	ASAKKA KIBWANA	NYALI	RESIDENT	0788806648	A
27.	KEVIN OPOKO	NYALI	RESIDENT	0702048802	K
28.	ALEX KATANA	NYALI	RESIDENT	0714513141	A



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 7/06/2024 Venue KWALE
Time Started 10:00AM Time Ended 3:00PM
Agenda PUBLIC PARTICIPATION

Table with 6 columns: NAME, ORGANIZATION, DESIGNATION IN FULL, CONTACT, SIGNATURE. Contains 10 rows of witness information including names like Omar Mwenda, Timothy Tsobutu, Nasiri MacLidi, etc.

11.	BINTI SULEIMAN	KWALE	RESIDENT	0712032170	
12.	JUMA BAKARI KABI	KWALE	BUSINESSMAN	0723349278	
13.	MEALI SHIMWADZIKOWA	KWALE	Public health officer	0741927263	
14.	Binti Mohammed	KWALE	RESIDENT	0790752297	
15.	Suleiman Ali	KWALE	Farmer	0759242095	
16.	MEALI SHEE	KWALE	BUSINESSWOMAN	0799980621	
17.	BINTI MOHAMMED	KWALE	BUSINESS WOMAN	0706123498	
18.	MWANA Chongoma	KWALE	Asst. Village Elder	0728756092	
19.	SAID FIKIRINI	KWALE	BUSINESS	0759546363	
20.	SAIDI KIDZUTA	KWALE	BUSINESSMAN	0714542346	
21.	ARAFAT ALI	KWALE	RESIDENT	0769269818	
22.	MUHAMMED RASHID	KWALE	HUSTLER	0742836203	
23.	JUMA BACHUO	KWALE	RESIDENT	0740089413	
24.	MWAGASARE ALI	KWALE	FARMER	0740703894	
25.	Hawa Swarus	Kwale	CDF STAFF	0790930509	
26.	Abdalla Namin	Kwale	CDF STAFF	0715461863	
27.	Mwanamsi Mwachiponda	KWALE	CDF STAFF	0723023017	
28.	TUMANI MCHENGA	KWALE	CDF STAFF	0790738815	



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 4/06/24 Venue Nyumbura Lamy
Time Started 10:00AM Time Ended 3:00PM
Agenda PUBLIC PARTICIPATION

Table with 5 columns: NAME, ORGANIZATION, DESIGNATION IN FULL, CONTACT, SIGNATURE. Contains 10 rows of witness attendance data.



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 5/06/24

Venue LX MU

Time Started 10:00 AM

Time Ended 3:00 PM

Agenda PUBLIC PARTICIPATION

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	KHANJA MOHAMMED	C.H.P	MKAAI	0725175259	
2.	SIGALI HASSDA	LAMU-G	MKAAI	0727367257	
3.	BADRA AHMED BADI	LAMU WEST	RESIDENT	0728552290	
4.	SWALEH KARUNGU	LAMU WEST	NYUMBA KUMI	0701202451	
5.	JAMES TUNE	LAMU WEST	RESIDENT	0705323262	
6.	FRANKLINE NYALLE	LAMU WEST	RESIDENT	0112012932	
7.	FATUMA MOHAMMED AHMED	LAMU WEST	RESIDENT	0114545825	
8.	MOHAMMED MATHMOW	LAMU WEST	NYUMBA KUMI	0715865857	
9.	IBDI DAKTARI	LAMU WEST	NYUMBA KUMI	0748719626	
10.	KAZUNGU	ISHTANA	KAMBUI KUMI	0726228297	



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 5/06/24

Venue LAMU

Time Started 10:00 AM

Time Ended 3:00 PM

Agenda PUBLIC PARTICIPATION

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	STEPHEN MUTUA	LAMU WEST	RESIDENT	0724806225	
2.	ABDLGHANI ATHMANI	LAMU WEST	RESIDENT	07947736216	
3.	MARY OTIENO	LAMU WEST	Njumba Kumi	0712071099	
4.	TINA SHEOB	LAMU WEST	Nyumba KUMI	0718451908	
5.	DINA BAUSI	LAMU WEST	nyumba Kumi	0745385945	
6.	ASMA MOHAMMED	LAMU WEST	Njumba Kumi	0713239077	
7.	JOHARA SATO	LAMU WEST	Resident	0710542984	
8.	ABDULA ABBAS AZI	LAMU WEST	Resident	0718196678	
9.	SHAHIBU AH KANGA	LAMU WEST	RESIDENT	0700779022	
10.					



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 5/06/24 Venue LAMU
Time Started 10:00AM Time Ended 3:00PM
Agenda PUBLIC PARTICIPATION

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	Khadija Wito Abdi	Lamu west	Head woman	0707236435	
2.	Ahmed Mohamed	Lamu west	Head man	0112700580	
3.	Zahara Mohamed	Lamu west	Head woman	0726126710	
4.	Halima Mohamed Hassan	Lamu west	Nyumba Kumi	0710393658	
5.	BATUKI HAJIRI	LAMU west	Nyumba Kumi	0725456328	
6.	JEFFERSON NGETI	LAMU west	NYUMBA KUMI	0748526997	
7.	DICKSON MAINA NJOGU	LAMU WEST	NYUMBA KUMI	0759723335	
8.	Mohad Ibrahimi	LAMU	Resodenge	0797459992	
9.	Edward Dimbwi	Lamu	Resident	0728489009	
10.	ZAITUNI JUMA	LAMU county	Resident	0794133505	



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 7/06/24 Venue MUMBAIX
Time Started 10:00AM Time Ended 3:00PM
Agenda PUBLIC PARTICIPATION

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	NANA RIKU	NYALI	Residence	0708811752	
2.	SITI MOHAMED	NYALI	Residence	0700538687	
3.	ISSA MAHAT	NYALI	Residence	0743423065	
4.	Mahamud Hassan	Nyali	Residence	0741838767	
5.	ABDIRAHMAN - HUSEIN	Nyali	Residence	0701135602	
6.	EIHAN MUDIMU DZOMBO	NYALI	Residence	0746996951	
7.	COSMIAS BAYA MUTSANZE	NYALI	Residence	0794053300	
8.	SULEIMAN MOTTAMMAD	NYALI	Residence	0111914261	
9.	Jane Ntengo	Nyali	Business	0718689283	
10.	YUSUF MOTTAMMAD	Nyali		0746853201	

11.	RAHEL MATUNDA	KATAMBBO	BISS	0711113774	Business
12.	Bert Loica Odialal	Nyali	Business	0708499571	Business
13.	Maurine Xuma	Nyali	Business	0112932000	Business
14.	HUSSEIN CHARLES CHAU	NYALI	Residence	0796150762	H
15.	PAUL MWAUMBOTE	NYALI	Resident	0718964792	PAUL
16.	ELISHA KILOLE	NYALI	Resident	0700439805	E
17.	NANCY AMBEYI	NYALI	Resident	0726747052	N
18.	Winnie Mwaibaru	NYALI	Resident	0792811602	W
19.	Sharon Kangy	NYALI	Resident	0724531689	S
20.	MAUREEN MWAWASI	NYALI	Resident	0792756604	M
21.	REAGAN OKOTH	NYALI	Resident	0715596623	R
22.	SOFIA RASHID SADARA	NYALI	Resident	0713497555	S
23.	Nanis Kaari Julius	NYALI	Resident	0115012093	N
24.	JUMA MWADALI	NYALI	Resident	0111563331	J
25.	Anthony Mwangi	Nyali	Resident	0743554732	A
26.	MASIKA KAHINDI	NYALI	Resident	0796000708	M
27.	Thomas Mwangi	NYALI	Business	0713549731	T
28.	JOSEPH NZIOKI	NYALI	INVESTOR	0114117600	J



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 17/06/24 Venue MONBA3*
 Time Started 10:00 AM Time Ended 3:00 PM
 Agenda PUBLIC PARTICIPATION ON NCI BILL 2023

Resident

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	DANIEL 7876	NYALI	BUSINESS	071106699	
2.	JUMA RIZKI HASUATI	NYALI	BUSINESS	0112998802	
3.	IAN JUSTIN	NYALI	COUNSELLOR	0757284271	
4.	Ahmad Ramadhan	KISAUNI	"JOB LESS"	0745733051	
5.	HISAYA REA	NYALI	CHD	0701628917	
6.	Timothy Odhiambo	NYALI	POBUSINESS	0720465249	
7.	GEORGE OIEMO	NYALI	BUSINESS	0742140947	
8.	GODFREY ICHIKA	NYALI	BUSINESS	0706778151	
9.	CASTRO KIRARO	NYALI	JOBLESS	0717410196	
10.	Mary Uchi Koro	NYALI	VILLAGE MANAGER	0792883988	

11.	ELISA Ki Douglas	NYALI	BUSINESS	0722 348925	Handwritten mark
12.	EVAUNE OUMA	NYALI	BUSINESS	0724846621	Handwritten mark
13.	SAMUEL KARANTA	NYALI	BUSINESS	071198587	Handwritten mark
14.	MARY Odondi	NYALI	BUSINESS	0715484758	Handwritten mark
15.	PETERSON KAYION	Nyali	BUSINESS	0726353382	Handwritten mark
16.	HDI KAHADI	nyali	BUSINESS	0757630618	Handwritten mark
17.	PATRICK GORON	NYALI	SALES	0724809955	Handwritten mark
18.	ADAM ALI	NYALI	SALES	0717366634	Handwritten mark
19.	PETER MBOTELE	NYALI	Job	071376223	Handwritten mark
20.	EMMANUEL ICAFULA	NYALI	Job	0741104760	Handwritten mark
21.	MANNASSET SIMSON	NYALI	BUSINESS	0115611127	Handwritten mark
22.	MOSES	CUUKEN	CPEJOS	0788512051	Handwritten mark
23.	JAMES KIUKO MUTINDA	NYALI	C.H.P	0746143153	Handwritten mark
24.	SAIDA MUTIHKYE	NYALI	BUSINESS	07 88 266667	Handwritten mark
25.	NEWTON TAABU	Nyali	RESIDENT	0745865330	Handwritten mark
26.	Hannah Lemiter	Nyali	V. Elder	0722816457	Handwritten mark
27.	Vera Agunya	Nyali	C.H.P	0717487460	Handwritten mark
28.	Zawadi Nyasi	Nyali	C.H.P	0724607178	Handwritten mark



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 6/06/24 Venue Mombasa
Time Started 10:00AM Time Ended 3:00PM
Agenda PUBLIC PARTICIPATION ON THE NCI BILL 2023

Table with 6 columns: NAME, ORGANIZATION, DESIGNATION IN FULL, CONTACT, SIGNATURE. Contains 10 rows of witness information including names like Haybat Mjahid, Anastacia Wajuru, and ESTHER NYADZUA.

11.	GRANTON MWAUSOMBIS	NYALI	NYALI	Y. ELDER	0718908007	Y. ELDER
12.	SADI KEFA	NYALI	NYALI	J. ELDER	0725258054	8000
13.	SADY AN	NYALI	NYALI	Y. ELDER	0725386974	8000
14.	ELISABETH MWAUSOMBIS	NYALI	NYALI	MWAMP MITAP	0741149718	8000
15.	ARNES JOSEPH	NYALI	NYALI	C/P	0742033667	8000
16.	HALIMA HASSAN	NYALI	NYALI	BUSINESS	07	
17.	BRISSEDIA MILEEL	NYALI	NYALI	Cost Officer	0721928756	NYALI
18.	YONGI Mwanzi Mutuku	NYALI	NYALI	Youth	0742477823	NYALI
19.	LAWANEE KAKOI	NYALI	NYALI	P/Officer	0722000588	NYALI
20.	FANNM SIRA	NYALI	NYALI	P/Officer	07228323970	NYALI
21.	MWANA SITA BAKARI	NYALI	NYALI	P/Officer	0792603657	NYALI
22.	Clinton Obiamba	NYALI	NYALI	Youth	0723820329	NYALI
23.	MARGARET Joseph	NYALI	NYALI	clinics/office	0727272328	NYALI
24.	JULIA KWANGARI	NYALI	NYALI	CHP/BALANCE	0703278206	NYALI
25.	Beatrice Muthoni	NYALI	NYALI	Business	0704487794	Petty
26.	Beatrice Mutua	NYALI	NYALI	Business	0702658108	NYALI
27.	JOSEPH KANUKI	NYALI	NYALI	P/Officer	0723775760	NYALI
28.						



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 5/06/2024 Venue KWXLE
Time Started 10:00AM Time Ended 3:00PM
Agenda PUBLIC PARTICIPATION ON NCI BILL

Table with 6 columns: NAME, ORGANIZATION, DESIGNATION IN FULL, CONTACT, SIGNATURE. Contains 10 rows of witness attendance records.

11.	Mohamed Bakari Babu	Nyali		0742229608	AF
12.	Ibrahim Fardo Chagawa	Nyali	Business	0707451229	AF
13.	Rukia Khamis Juma	Nyali		0757874575	AF
14.	Wilhyne Samiso Mvdi	NYALI	Business	0720780138	AF
15.	Molly Adhiambo Odwa	Nyali	Business	0748228950	AF
16.	Elizabeth Alvo Oweyo	NYALI	—	0795221022	AF
17.	SOFIA KIBWANA	NYALI	Business	0708542339	AF
18.	KAHINDI KAZUNGU MWA	NYALI	V-ELDER	0725098819	AF
19.	ATHMAN S-DHADHO	NYALI	MWALIMU	0721993520	AF
20.	MOSES KAMALWA	NYALI	Business	0717986298	AF
21.	Titus KESKGI	Nyali	Business	0708746603	AF
22.	Emmanuel Muehaka	Nyali	—	0111800140	AF
23.	Esther Karoro	Nyali	—	0790466853	AF
24.	Rose Mungu	Nyali		0708206460	AF
25.	OMAR AWADH	NYALI		0768038448	AF
26.	SALIM JUMA SALIM	NYALI		0714132947	AF
27.	EUNICE BORO CHUKA	NYALI	V. Elder	0725133919	AF
28.	BASHIR Isaac	Nyali		0110140664	AF

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 07/06/24

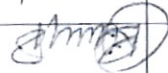





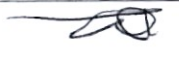



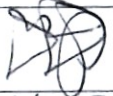


Venue Uasin Gishu County HQ

Time Started 3:00 pm

Time Ended 6:00 pm

Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	Cusan Nyanchama	Youth Mentorship	Member	0159854518	
2.	Cynthia chepkongia	Youth Mentorship	Member	0716 8959 93	
3.	Collins Omondi	Youth Mentorship	member	0713087739	
4.	Edwin Aronmah	Youth Mentorship	Member	0713845101	
5.	Henna Handoko	Youth Mentorship	Member	0700671431	
6.	Ronald kiprotich	Youth Mentorship	Member	074606069	
7.	Allan kipruto	Youth Mentorship	Member	0796325311	

NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8. ELIAS KOECH	Youth mentorship	Member	0757266356	
9. Miriam Otera	Youth Mentorship	Member	012316687	
10. Vivian Jelagat	Youth membership	Member	0743490110	
11. Margaret Sure	Peace comm	member	0758614238	
12. Alvin Muigai	SOS	Member	0793050109	
13. Titus Kiprotich	Youth Mentor	Member	0746108069	
14. DAVID WAMBURI	ICL	member	0716152277	
15. EDWIN KIPRONOH	Youth Mentorship	Member	0728308827	
16. STEPHAN INDIRI	Administration	SECURITY	0768689227	
17. MOSTIS MARIOT	ADMINISTRATION	SECURITY	0728970488	
18. Jacqueline chery	ADMINISTRATOR	SECURITY	0725326100	
19. CONSULTE MURNGU	DEAF COMMUNITY (PWA)	CLEANER	070604365	
20. Malon Icipchuma	KIS (PWA)	CLEANER	079844356	

REPUBLIC OF KENYA














NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 07/06/2024 Venue Vasin Gishu County HQ
Time Started 3:00 pm Time Ended 6:00 pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	CLARE NALIKA	INTERIOR	ASSISTANT COUNTY COMMISSIONER	0728734145	
2.	LILIAN LAUAT	INTERIOR	Dec	0724413464	
3.	Christopher Muelig	OPINION LEADER		072242417	
4.	EDNA GESARE	Interior	Assistant County Commissioner TURBO	0702248348	
5.	NAOMI IRUNGU	OPINION leader	Business lady	0727659351	
6.	MASTAMET JOSEPH	OPINION LEADER	FARMER	0711669844	
7.	Esther Charuyot	Interior	Full Scientist	0722873487	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
	NAEMY WAMUKU	GG	11	0768781689	
8.	AMUS KIPCHUMBA	Ugoin Gishu	NO	0705057133	
9.	MACDONALD KETTER	ASU-G.C	//	0788528281	
10.	SAMUEL KAGREKA	MA G.	V	0721158375	
11.	ONESMAUS OPANBE	BARAZA LA USTUKANO NTA KINAREHIANE	FARMER	07158863693	
12.	MOSES IMBUNA	Waleler	farmer	07835482440	
13.	Janet Cherimo	SMATKRET	kiphengo ward monitor	07282440346	
14.	sheila chepkemboi	JE D	youth rep kiphengo	0713576017	
15.	martha wansiko	KAPSERET	P.W D	0717510571	
16.	Lawrence Ogada	Kapsaret	Business	0723095910	
17.	Nancy Chegitot	Kangas	P.W D	0728102429	
18.					
19.					
20.					

REPUBLIC OF KENYA





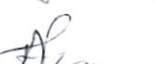


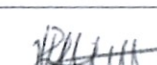
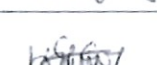



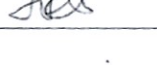
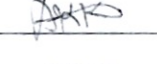
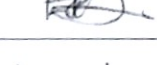
NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 07/06/2024 Venue Uasin Gishu County HQ
Time Started 3:00 pm Time Ended 6:00 pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	PETER CHEPLEL	PEACE CHAIR	EVANGELIST	0725747266	
2.	JOSEPH KORIR CHEBUREI	PEACE GIVING	V. ELDER	0723705286	
3.	RAEL LIMO	PEACE GIVER	V. ELDER	0721833859	
4.	ZIPPORAH MATINA	Sub county Peace Committee	SEC	0723581467	
5.	TYNEKETRA WANJA	FOCUS KENYA	REGIONAL STAFF	0797661496	
6.	OTIENO MOSES	National Council of Churches of Kenya (NCCC)	Regional Staff	0746631268	
7.	BUKIA GOLICHA	Peace	V. ELDER	0722631154	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
	A				
8.	AMOS KIPHIMO	peace Giver	V. ELDER	0720103920	
9.	YVONE JEROTICH	Peace	SBC	0719728824	
10.	DAVID SIMOTWO	CHURCH	PASTOR	072934500	
11.	BEN TOO	U-G-C	"	0720571020	
12.	OLIVER KAVOSA	U.G.C	"	0711261153	
13.	PETER MATU	INIBRID	ASST. CHIEF	0728025527	
14.	JACOB KEMBOI	PEACE	Youth Representative	0728798119	
15.	AMOS SONGOK	peace	"	0729027213	
16.	MARTINA ANNA JUMA	U.G	"	0715634462	
17.	JUDITH JEPCHIRCHIR	UG	Youth representative	0702997639	
18.	Alfred KARIY	YOUTH GROUPS	YOUTH & RELIGIOUS REP	0720952450	
19.	EDWIN LAGAT	YOUTH LEADER	KESSES SUB COUNTY	0726135346	
20.	EUNICE JEROP	YOUTH LEADER	ZIWA WARD	0710766799	

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 07/06/2024 Venue Uasin Gishu County HQ
Time Started 3:00pm Time Ended 6:00pm
Agenda Public Participation

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	ISAAC SUGUI	PEACE COMMITTEE	CHAIRMAN AINABIKI SUB COUNTY	0720302675	
2.	DAVID L. SIMIYU	PEACE COMMITTEE	CHAIRMAN KESES SUB-COUNTY	0720710827	
3.	Rev. TIMOTHY M. BAMAHA	PEACE CHAIR	CHAIR	0723648554	
4.	HELLEN KARIITHI	JIKAZE FOUNDATION K.B.O.	DIRECTOR / MANAGER JIKAZE A.B.O. KARSICC K. ROAD	0720 699327	
5.	CARREN KOTENYA	ADVOCACY FOR CHANGE	PROGRAMME COORDINATOR (A-CF)	0703766756	
6.	EMMACULATE ODOR	ELDORA SOCIAL JUSTICE CENTER	PROGRAM SECRETARY	0721641240	
7.	SAMSON K. KIMCHI	VICER	CHAIRMAN VI BAKERS	0720 459891	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
	SAMSON KUYUNG	OPION leader	Tembelo location	0701457266	
8.	JOSEPH KOMEN	OPION Village elder	Secretary Tembelo Kibungo location	0720778090	
9.	JOEL MUFU TU	MEDIA.	REPORTER.	0769648223	
10.	ENOCK MUOEMA	INTERIOR	VILLAGE ELDER HURUMA SUB-L.	0701252622	
11.	SHADRACK BARANASAY	INTERIOR	ELDER HURUMA	0720057589	
12.	BENJAMIN MUKABI	ELDER	NYUMBA ^{NO} KAPSOYA	0711734567	
13.	ANNE C. RONOH	NYUMBA KUMI CBO	NYUMBA KUMI	0721439158	
14.	THOMAS DWEN DWIER	OPINION leader	Businessman	0721463497	
15.	FRANCIS WACHIRA	PWD	Business	0726806312	
16.	VIOLA SANG	NSC	Representative County Peace Coordinator	0712821014	
17.	RAEL BOOR	PLCorm.	VLEIBER	0721115636	
18.	ABDULKADIR OSORE	SHUKH / PS	SHUKH / PS	0702870992	
19.	MUHAMMAD NANDA	YOUTH	YOUTH	0115165609	
20.	Lydia Wangui	PWD	Business	0706651184	

REPUBLIC OF KENYA



NATIONAL ASSEMBLY

COMMITTEE ON NATIONAL COHESION AND EQUAL OPPORTUNITY

WITNESS ATTENDANCE SCHEDULE

Date 07/06/2024 Venue Uasin Gishu County HQ

Time Started 3:00 pm Time Ended 6:00 pm

Agenda Public Participation - NCI Bill

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
1.	ALDAN MWABIKHI	AMABIKHI CONST	Liaison officer	0722429846	
2.	DOMINIC NAGOT	MATUNGA LOCATION	A TEACHER.	071189670	
3.	KEVIN KIPRONO	KAPSERET SUBCOUNTY OFFICE	ASSISTANT COUNTY COMMISSIONER	0795178799	
4.	EMMANUEL KORIR	KAPSERET SUBCOUNTY MGENA WARD	Youth representative	0723830165	
5.	MARGARET BUNOH	RACE COURSE WARD	V/elder	0729003720	
6.	Jane JEPKORCH	Racecourse ward.	V.elder	0715855134	
7.	BENJAMIN ABUSEI	MOIBEN.	opinion leader.	0718072532	

	NAME	ORGANIZATION	DESIGNATION IN FULL	CONTACT	SIGNATURE
8.	FAUSTINE DJYTA	AMAIKOL	V/ELDER	0716823554	
9.	BETTA JEPKOGEE	MOIBEN	V/ELDER	0729659990	
10.	STEPHEN CHURCHAR	MOIBEN	V/ELDER	0728025704	
11.	TERESA JEROTO BIAGEN	MOIBEN	OPINION LEADER	0722287309	
12.	KHAEMBA A WEMESA	INTERIOR	ACC	0725348871	
13.	Philemon Chemjor	KAPTAGAT	Reverend	0721847026	
14.	JOSEPH J. MUWANGI	TIMBOROA	V/ELDER	0798739267	
15.	BONIFACE MUTESHA	MOIS BRIBGI	SAPUKAUND	0735492705	
16.	SIMON KOKORA	INTERIOR	CHIEF	0723101716	
17.	Laroline chebet	C.S.O U. Gishu	Member	0721775185	
18.	Josphat mwanga	Wakken	Peace char	0725504475	
19.	Francis G KARANTA	INTERIOR	CHIEF	0726692690	
20.	OBADIAH NJORUJE	MATHARU	V/ELDER	0724126460	