



*Approved
SNA
23/4/25*

**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FOURTH SESSION – 2025**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION**

**REPORT OF THE DEPARTMENTAL COMMITTEE ON SOCIAL
PROTECTION ON ITS CONSIDERATION OF
THE SOCIAL PROTECTION BILL
(NATIONAL ASSEMBLY BILL NO. 12 OF 2025)**

**CLERKS CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI**

APRIL 2025


	
THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 23 APR 2025	DAY: WED
TABLED BY:	Mon. Paul Abur, MP Member, bc on Social Protection
CLERK-AT THE-TABLE:	Getrude Chebet

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LIST OF ABBREVIATIONS AND ACRONYMS

ACEPA	-	Africa Centre for Parliamentary Affairs
CSO	-	Civil Service Organizations
CSPS	-	Civil Servants Pensions Scheme
CWSK	-	Child Welfare Society of Kenya
FKE	-	Federation of Kenya Employers
HSNP	-	Hunger Safety Net Programme
KANU	-	Kenya African National Union
NHIF	-	National Hospital Insurance Fund
NSSF	-	National Social Security Fund
NSNP	-	National Safety Net Programme
ODM	-	Orange Democratic Movement
OVC	-	Orphans and Vulnerable Children
SHIF	-	Social Health Insurance Fund
TSP	-	The Service Party
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
UNDP	-	United Nations Development Programme
UNICEF	-	United Nations Children Fund
WDM-K	-	Wiper Democratic Movement-Kenya

LIST OF ANNEXURES

1. Report Adoption Schedule
2. Committee Minutes
3. Copy of the newspaper advertisement on public participation
4. Letters inviting stakeholders to meetings with the Committee
5. Stakeholders' submissions

CHAIRPERSON'S FOREWORD

This report contains proceedings of the Departmental Committee on Social Protection on its consideration of the Social Protection Bill (*National Assembly Bill No. 12 of 2025*). The Bill underwent First Reading on 2nd April 2025 and was thereafter committed to the Departmental Committee on Social Protection for consideration and reporting to the House pursuant to the provision of Standing Order 127(1).

The Bill is divided into six parts; fifty-six (56) clauses and a schedule. The Social Protection Bill seeks to provide a framework for the administration of non-contributory social protection interventions; to establish the National Board for Social Protection and for connected purposes.

Following placement of advertisements in the print media on 11th April 2025 seeking public and stakeholder views on the Bill pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3), the Departmental Committee on Social Protection received memoranda from the National Executive through the State Department for Social Protection and Senior Citizen Affairs, the State Department for Children Welfare Services in conjunction with the Child Welfare Society of Kenya (CWSK), the African Centre for Parliamentary Affairs, the Kenya Disability Parliamentary Association (KEDIPA) as well as from Dr. Waruinge Muhindi, a social protection specialist.

The Committee also invited stakeholders vide letters REF: NA/DDC/SP/CORR/2025/015, NA/DDC/SP/CORR/2025/016, NA/DDC/SP/CORR/2025/017, NA/DDC/SP/CORR/2025/018 and NA/DDC/SP/CORR/2025/019 all dated 11th April 2025, to give their submissions on the Bill. The State Department made oral submissions on the Bill before the Committee on 17th April 2025 while the other stakeholders sent their written submissions.

Generally, the stakeholders were in agreement that the Bill, if enacted, would streamline Social Welfare Services by providing for non-contributory social protection interventions. In considering the Bill, Members observed that the piece of legislation was much needed as it would serve as the over-arching legislation on social protection in Kenya.

The Committee is grateful to the Offices of the Speaker and the Clerk of the National Assembly for the logistical and technical support accorded to it during its sittings. The Committee further wishes to thank all stakeholders who made their respective submissions on the Bill.

Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who made valuable input during consideration of the Bill and production of this report.

On behalf of the Departmental Committee on Social Protection and pursuant to provisions of Standing Order 199(6), it is my pleasant privilege and honour to present to this House the Report of the Committee on its consideration of The Social Protection Bill (*National Assembly Bill No. 12 of 2025*).

I thus wish to table this Report on The Social Protection Bill (*National Assembly Bill No. 12 of 2025*) in this Honourable House, with the recommendation that the Bill be **approved with amendments** which are contained in this Report.

The Hon. Alice Wambui Ng'ang'a, CBS, M.P.
Chairperson, Departmental Committee on Social Protection

PART ONE

I PREFACE

I.1 ESTABLISHMENT OF THE COMMITTEE

1. The Departmental Committee on Social Protection is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
 - i. *To investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned ministries and departments;*
 - ii. *To study the programme and policy objectives of Ministries and departments and the effectiveness of their implementation;*
 - iii. *On a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
 - iv. **To study and review all the legislation referred to it;**
 - v. *To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with their stated objectives;*
 - vi. *To investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;*
 - vii. *To vet and report on all appointments where the Constitution or any law requires the National Assembly to approve, except those under Standing Order 204 (Committee on appointments);*
 - viii. *To examine treaties, agreements and conventions;*
 - ix. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation;*
 - x. *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
 - xi. *To examine any questions raised by Members on a matter within its mandate.*

I.2 MANDATE OF THE COMMITTEE

2. In accordance with the Second Schedule to the Standing Orders, the Committee is mandated to consider, social welfare and security, pension matters, gender affairs, equality and affirmative action, affairs of children, youth, persons with disability and senior citizens.
3. In executing its mandate, the Committee oversees the following State departments and Commission;
 - i. The State Department for Social Protection and Senior Citizen Affairs
 - ii. The State Department for Children Welfare Services
 - iii. The State Department for Gender and Affirmative Action
 - iv. The State Department for Youth Affairs and Creative Economy
 - v. The State Department for Public Service (National Youth Service)
 - vi. The National Gender and Equality Commission (NGEC)

I.3 COMMITTEE MEMBERSHIP

4. The Departmental Committee on Social Protection was constituted by the House on 27th October 2022 and re-constituted on 5th March 2025, and comprises of the following Honourable Members:

Chairperson

Hon. Alice Wambui Ng'ang'a, CBS, MP
Thika Town Constituency
UDA Party

Vice-Chairperson

Hon. Hillary Kiplang'at Koskei, MP
Kipkelion West Constituency
UDA Party

Members

Hon. Faith Wairimu Gitau, CBS, M.P.
Nyandarua County
UDA PARTY

Hon. Timothy Wanyonyi Wetangula, CBS, M.P.
Westlands Constituency
ODM PARTY

Hon. Samuel Moroto Chumel, CBS, M.P.
Kapenguria Constituency
UDA PARTY

Hon. James Onyango Oyoo, M.P.
Muhoroni Constituency
ODM PARTY

Hon. Hussein Abdi Barre, M.P.
Tarbaj Constituency
UDA PARTY

Hon. Amina Abdullahi Dika, M.P.
Tana River County
KANU PARTY

Hon. Zamzam Mohamed Chimba, M.P.
Mombasa County
ODM PARTY

Hon. Owen Baya Yaa, CBS, M.P.
Kilifi North Constituency
UDA PARTY

Hon. Edith Vethi Nyenze, M.P.
Kitui West Constituency
WDM-K PARTY

Hon. Paul Abuor, M.P.
Rongo Constituency
ODM PARTY

Hon. Susan Nduyo Ngugi, M.P.
Tharaka Nithi County
TSP PARTY

Hon. Agnes Mantaine Pareiyo, M.P.
Narok North Constituency
JUBILEE PARTY

Hon. Linet Chepkorir, M.P.
Bomet County
UDA PARTY

I.4 COMMITTEE SECRETARIAT

5. The Committee is facilitated by the following Parliamentary staff:

Mr. Finlay Muriuki
Lead Clerk/ Head of Secretariat

Mr. Ahmednoor Hassan
Clerk Assistant III

Ms. Jemimah Waigwa
Senior Legal Counsel

Mr. Adan Ahmed Abdi
Fiscal Analyst I

Ms. Grace Maneno
Research Officer III

Mr. Benjamin Ochutsi
Hansard Officer III

Ms. Naomi Onsomu
Public Communications Officer

Mr. Derrick Kathurima
Media Relations Officer

Mr. Cosmas Akhonya
Audio Recording Officer

Ms. Eva Kaare
Serjeant-at-Arms

PART TWO

2 BACKGROUND OF SOCIAL PROTECTION IN KENYA

2.1 INTRODUCTION

6. The early traces of legislation in the social welfare sector was contained in the Sessional Paper 10, adopted by Kenya in 1965 that read “*The declared aim of the Government is to provide medical and hospital services, old age and disability benefits, free and universal primary education, benefits for the unemployed, and financial aid to all who need and merit it for university work.*”
7. Established in 1965, National Social Security Fund (NSSF) was among the earliest institutions to be established in the sector. The Fund was structured as a provident fund where worker’s contributions were matched by employers’ contributions which were paid in lumpsum to the workers upon retirement.
8. The National Hospital Insurance fund (NHIF) was a contributory health fund that was established in 1967. The system entailed a compulsory membership for formal sector workers and voluntary membership for those in the informal sector.
9. The Civil Servants Pensions Scheme (CSPS) was a fully tax-financed scheme that was established with the aim of providing pensions services to civil servants, especially police and teachers. However, CSPS later relied on the contributions of the civil servants.
10. The 2002 General elections in Kenya marked a turning point in the Social Welfare sector. The manifesto of the newly formed government National Rainbow Coalition (NARC) provided for improved social welfare services in partnership with the private sector and international community. The period saw the launch of several social protection programmes such as the Hunger Safety Net Programme (HSNP) that provided cash transfers for food to the people in the Northern and North-Eastern part of the country.
11. The promulgation of the Constitution of Kenya in 2010 brought about a shift in the sector as it expressly provided for social welfare as a right. This led to the consolidations of social protection programmes into the National Safety Net Programme (NSNP).
12. The current institutional framework for social protection is anchored in the Directorate of Social Assistance that is domiciled in the State Department for Social Protection and Senior Citizen Affairs.

2.2 SITUATIONAL ANALYSIS/ LEGAL FRAMEWORK

The Social Protection system in Kenya is entrenched in three ways

- i. Through Cash Transfer programme; the programme is locally referred to as *Inua Jamii* that entails monthly cash transfers to the elderly above 70 years;
- ii. The National Social Security Fund (NSSF): Involves management of retirement funds and payment of retirement benefits to formal and informal workers, upon retirement; and
- iii. The Social Health Insurance fund (SHIF): this entails the provision of social health insurance, initially implemented by the National Health Insurance Fund (NHIF).

The Constitution, 2010

13. **Article 2** of the Constitution provides for the supremacy of the Constitution, which signifies that all laws must conform to the provisions of the Constitution.
14. **Article 43(1) (e)** provides that every person has a right to social security. Further, Article 43(3) provides that the State shall provide appropriate social security to persons who are unable to support themselves and their dependents.
15. **Article 21** provides for the implementation of the rights provided for in Article 43 through mechanisms such as legislation and policy formulation.

The Social Assistance Act, 2013

16. The Act was passed in 2013 with the following objective “to give effect to Article 43(1)(e) of the Constitution; to establish the National Social Assistance Authority; to provide for the rendering of social assistance to persons in need and for connected purposes.” However, the Act was not implemented due to various mitigating and extraneous factors, and several attempts have been made to amend the Act in order to align it to the Public Finance Management Regulations.

Kenya National Social Protection Policy of 2023

17. The Kenya National Social Protection Policy was formulated in 2023 by the Ministry of Labour and Social Protection with the objective of ensuring that the people of Kenya live in dignity and are able to exploit their human capabilities to further their development and contribute to the economy.
18. The Policy is based on four pillars; income security, social health protection, shock-responsive social protection and complementary programmes.
19. The Policy seeks to promote the interoperability of the monitoring and information systems and focuses specifically on the Enhanced Single Registry.

2.3 COMPARATIVE ANALYSIS

Peru

20. The Social Protection system in Peru employs a life cycle approach in that it covers the vulnerable in the society throughout their lifecycle from pre-birth to early childhood through teenage years to adulthood and finally old age.
21. The Peruvian Social Protection system is non-contributory and has well coordinated programmes that deal with aspects such as prenatal care, early childhood development, basic and tertiary education, nutrition, care for persons with disabilities, community integration, non contributory pension schemes for the old age above 65 years (Pension 65 programme) and pensions for persons with disabilities.
22. To be able to fund its social Protection programmes, Peru applies the Results Based Budgeting (RBB) that aids in decision- making and ensures prudent use of resources to achieve the targeted outcomes through using tools such as monitoring and evaluation.

23. The Social Protection Programmes in Peru are well branded with proper communication strategies to reach out to the targeted beneficiaries who mostly reside in the remote areas with harsh terrains. The Programmes have local Names such as *Cuna Mas* (early childhood development), *Qali Warma* (School feeding Programme), *Contigo* (pensions for persons with disabilities), *Juntos* (conditional cash transfer) as well as *Foncodes* (Peruvian Social Fund) and *PAIS* [*Programa Nacional de Accion Social Plataformas Itinerantes* (National Program of Social Action Itinerant Platforms)] which are community integration programmes.

South Africa

24. In South Africa, the Pre-independent Social Welfare System was specially crafted to cushion the white racial group granting them special protection against poverty and vulnerability. This period was characterized by apartheid rule that promoted policies and systems which favoured the white population over the black.
25. The Post- independence social welfare system in South Africa was anchored on the 'White Paper for Social Welfare' which is termed as the basis framework for restructuring the social welfare system in South Africa. Formulated in 1997, the Paper, in its preamble, indicated that "*It is a negotiated policy framework and strategy, and it charts a new path for social welfare in the promotion of national social development. The proposed direction of the White Paper is in line with the approach advocated by the United Nations World Summit for Social Development, held on 6 to 12 March 1995.*"The paper acknowledged the increase in the gap between the rich and the poor in South Africa and the deterioration in the quality of life of the vulnerable South Africans.
26. The Post-Independence welfare in South Africa entails promoting fairness. The system initially began with steps such as phasing out disparities in social welfare programmes and initiating legislative reforms. South Africa is currently using the lifecycle approach guided by the National Plan which provides that by 2030, the state will have achieved a defined social protection floor to provide assistance to the households that would not have attained the basic standards of living.

Brazil

27. The growth of the social protection sector in Brazil was catalysed by the promulgation of the 1988 Federal Constitution. The system, in the initial stages, was based on three pillars: social insurance, healthcare and social assistance.
28. In the 2000s, an effective social assistance system was established with the creation of the single registry and harmonization of social assistance programs into one programme known as *Bolsa Familia*.
29. The Brazilian Social Protection system covers the unemployed as well as those employed in the informal sector. The system weathered storm such as the Covid-19 pandemic and provided cushion to vulnerable families.

PART THREE

3 OVERVIEW OF THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2025)

3.1 INTRODUCTION

30. The Bill provides for a framework for the administration of non-contributory social protection interventions; to establish the National Board for Social Protection and for connected purposes.

3.2 REVIEW OF THE BILL

31. The Social Protection Bill, 2025 (National Assembly Bill No. 12 of 2025) is a Bill sponsored by the Leader of the Majority Party, Hon. Kimani Ichung'wah, EGH, MP.

32. It provides for a framework for the administration of non-contributory social protection interventions; to establish the National Board for Social Protection. The Bill is composed of 56 clauses and a schedule, which contain the following provisions.

Part I of the Bill-Preliminary provisions

33. Part I of the Bill contains the preliminary provisions that is the short title, the definition clause defining various terms as used in the Bill, the object clause, application clause; the guiding principles; and the obligations of county governments.

34. Clause 3 of the Bill provides for the objects of the Bill which are to—

- (a) cushion all persons against risks and contingencies throughout their life cycles;
- (b) build human capital capabilities and resilience of all persons; and
- (c) promote the well-being of all persons.

35. Clause 4 of the Bill provides for the scope of the Bill and provides that the Act shall apply to non-contributory social protection. The Bill defines non-contributory social protection as a social protection intervention where eligibility to a benefit is not conditional on the payment of contributions by the beneficiary or by another party on behalf of the beneficiary.

36. Clause 5 of the Bill provides that the implementation of the Act shall be guided by the following principles—

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

37. Clause 6 of the Bill provides for the role of county governments and provides that in the administration and provision of social protection, a county government may—
- (a) implement national government policies on social protection through county-specific legislation and strategies;
 - (b) allocate resources for social protection interventions at the county level;
 - (c) collaborate with the national Government in the provision of social protection interventions; among other things.

Part II of the Bill-The National Board for Social Protection.

38. This Part of the Bill provide for the establishment of the National Board for Social Protection.
39. Clauses 7 and 8 provide for the establishment of the Board as a corporate body and stipulates its functions as follows:
- a) to advise the Cabinet Secretary on matters relating to social protection;
 - b) design, implement, monitor and evaluate social protection interventions and programmes;
 - c) provide social assistance and social care to vulnerable persons;
 - d) coordinate social protection interventions, services and programmes;
 - e) foster collaboration in the implementation of social protection interventions among government ministries, departments, and agencies;
 - f) establish and maintain a social protection registry and ensure continuous collection and disaggregation of data; among other functions.
40. Clause 10 of the Bill provides for the composition of the Board which shall consist of a Chairperson appointed by the President; the Principal Secretary for Social Protection; Principal Secretary for the National Treasury; one person nominated by the Council of Governors, four persons not being public officers appointed by the Cabinet Secretary as follows— one person from federation of trade unions; one person from Federation of Kenya Employers (FKE); one person nominated by organisation of persons with disabilities; and 1 persons nominated by organisation of older persons of disabilities.
41. The Board shall also have a Chief Executive Officer appointed by the Board.
42. This Part further provides for qualifications of Board members, tenure of office, occurrence of a vacancy, remuneration of the Board members, funds of the Board which shall consists of money appropriated by the National Assembly, and for the financial provisions.

Part III of the Bill-Administration of Social Protection

43. Clause 28 of the Bill provides for provision of social protection to persons in need. The clause provides that the Board shall, in accordance with the Act, provide social protection to persons in need.
44. Additionally, the clause provides that persons in need shall include—
- (a) orphans or vulnerable children;

- (b) poor older members of society;
- (c) persons with disabilities;
- (d) persons in extreme poverty; and
- (e) persons affected by shocks.

45. Clause 29 of the Bill provides that the Board is to provide the following social protection benefits-

(a) social assistance which shall include—

- i. cash transfers; and
- ii. transfers in kind;

(b) social care services which shall include—

- i. rehabilitation services ;
- ii. psychosocial support;
- iii. respite care services;
- iv. feeding programmes;
- v. homebased care; and
- vi. programmes aimed at promoting skills, knowledge and qualifications of a person.

46. Clause 30 provides for the criteria for eligibility for social protection and provides that a person is eligible for the appropriate social protection benefit under the Act, if the person—

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

47. Clause 31 of the Bill provides for the procedure for application for social protection benefits. It provides that a beneficiary or his representative may apply to the Board for a social protection benefit. The Board shall upon receiving an application conduct an assessment to verify that the applicant is eligible for the social protection benefit applied for.

48. The Bill further provides that if the applicant qualifies for a social protection benefit as provided for under the Act, the Board shall register the applicant as a beneficiary and render the appropriate social protection benefit.

49. If the applicant does not qualify for a social protection benefit provided under the Act, the Board is to inform the applicant of the decision in writing.

50. This Part of the Bill also provides for review and appeal of the decisions of the Board; and the rights and obligations of a beneficiary.

51. This Part also provides for suspension of provision of social protection benefit in cases where a beneficiary uses any social protection benefit in a way that negates its intended purpose.

52. Additionally, the Board may terminate a benefit where the beneficiary—
- (a) is absent from Kenya, for a continuous period of twelve months or longer without notification;
 - (b) is no longer eligible for the social protection benefit;
 - (c) ceases to be a Kenyan resident;
 - (d) voluntarily opts out;
 - (e) knowingly provides false information or in case of misrepresentation, deceit or fraud;
 - (f) the Board determines that the beneficiary is no longer in need of the social protection benefit;
- or
- (g) any other circumstances that the Cabinet Secretary may prescribe in regulations.
53. This Part also provides for refund where the Board erroneously pays money to a person who is not entitled to social protection under the Act or the payment to a beneficiary exceeds the amount permitted by the Board.
54. This Part also provides for period review and indexation of social protection benefits.
55. Clause 40 of the Bill provides for establishment of a Social Protection Registry by the Board. The Registry shall—
- (a) be used to maintain an inventory for vulnerable individuals and households in the country;
 - (b) provide a platform for applicants to apply for social protection;
 - (c) facilitate the selection and registration of beneficiaries for social protection interventions;
 - (d) facilitate the coordination of social protection interventions at the national and county levels of government;
 - (e) facilitate the monitoring and evaluation of social protection interventions;
 - (f) provide data of vulnerable households in the event of shocks or emergencies; and
 - (g) facilitate linkage and referral mechanisms for social protection interventions.

Part IV of the Bill-Offences

56. Part IV of the Bill set out various offences and penalties including the offence of obstruction; giving false information; unlawful disclosure of information; fraud; and misappropriation of funds. (Clauses 42-46).

Part V of the Bill-Miscellaneous Provisions

57. Clause 47 of the Bill provides for the Social Protection Fund and specifically stipulates that the Cabinet Secretary responsible for the National Treasury shall, pursuant to section 24 of the Public Finance Management Act, establish a Social Protection Fund to facilitate the implementation of the Act.
58. Clause 48 of the Bill provides for the regulation making powers of the Cabinet Secretary.

Part VI of the Bill-Repeal, Savings and Transition Provisions

59. This Part provides for among other things, the repeal of the Social Assistance Act; and transition of the staff, the obligations and liabilities and vesting of the assets of Directorate of Social Assistance or the National Social Protection Secretariat to be those of the Board.
60. Clause 56 of the Bill provides for transition of social assistance benefit or programme and beneficiaries. Specifically, the clause provides that any social assistance benefit or programme which was provided or implemented by the Directorate of Social Assistance immediately before the commencement of the Act, shall continue to be provided or implemented by the Board.
61. Additionally, a beneficiary of social assistance benefit or programme provided or implemented by the Directorate of Social Assistance immediately before the commencement of the Act shall be deemed to be a beneficiary under the Act.

Schedule

62. The Schedule to the Bill provides for the conduct of the affairs of the Board.

PART FOUR

4 PUBLIC PARTICIPATION/STAKEHOLDERS CONSULTATION

63. Following the call for memoranda from the public through placement of adverts in the print media on 11th April 2025 and vide a letters NA/DDC/SP/CORR/2025/015, NA/DDC/SP/CORR/2025/016, NA/DDC/SP/CORR/2025/017, NA/DDC/SP/CORR/2025/018 and NA/DDC/SP/CORR/2025/019 all dated 11th April 2025 inviting stakeholders for a meeting and requesting for their written submissions on the Bill.

64. The Committee received memoranda from the following stakeholders:

- i. The State Department for Social Protection and Senior Citizen Affairs
- ii. The State Department for Children Welfare Services in conjunction with the Child Welfare Society of Kenya (CWSK)
- iii. African Centre for Parliamentary Affairs (ACEPA)
- iv. Kenya Disability Parliamentary Association (KEDIPA)
- v. Dr. Wariunge Muhindi (Social Protection Specialist)

65. The Committee held a meeting with the State Department for Social Protection and Senior Citizen Affairs on 17th April 2025. The other stakeholders shared their written submissions with Committee Secretariat.

66. The stakeholders submitted as follows:

4.1 THE STATE DEPARTMENT FOR SOCIAL PROTECTION AND SENIOR CITIZEN AFFAIRS

S/No.	Provision in the Bill	Justification/Comments
1.	Clause 1 on the Short title: Social Protection Bill	This Bill seeks to address existing gaps in the social protection sector; make provision for non-contributory social protection, mitigate economic and social vulnerabilities to the poor, risks, contingencies, and shocks experienced throughout the life cycle of a person.
2.	Clause 2 on interpretation	It provides definitions for key terms and phrases as used in the Bill. The definitions in this Bill are in line with the Kenya Social Protection Policy 2023, and as used in the social protection sector.
3.	Clause 3 on objects of the Act	The goal is to target all vulnerable persons in Kenya. The social protection benefits are as stipulated under Clause 29.
4.	Clause 4 on scope	The Bill shall only apply to non-contributory social protection.
5.	Clause 5 on guiding principles	The guiding principles and are aligned with the Kenya Social Protection Policy, 2023 and conforms to the provisions of Article 10 of the Constitution of Kenya.
6.	Clause 6 on the Role of	County Governments have a role to develop County-specific

	County Government	social protection policies and legislations as well as implement. County-specific social protection interventions in line with Schedule 4 of the Constitution of Kenya.
7.	Clause 7 on Establishment of the Board	This is borrowed from the best practice under the governance of the various contributory social protection schemes in Kenya under the National Social Security Fund Act (Cap 258) and Social Health Insurance Act No.16 of 2023. The statutory board will operate with a degree of independence and within the guidelines set by the Act, which promotes responsible decision-making and oversight.
8.	Clause 8 on Functions of the Board	The Board shall undertake the stipulated functions for effective administration and management of non-contributory social protection.
9.	Clause 9-27	This is in accordance with the governance structure and practice as guided by the Mwongozo, the Code of Governance for State Corporations and in line with the provisions of the State Corporations Act (Cap 446) Laws of Kenya.
10.	Clause 28 on Provision of Social Protection to Persons in need	Provision of social protection to persons in need shall include orphans or vulnerable children, poor older members of society, persons with disabilities, persons in extreme poverty, and persons affected by shocks. In addition, Clause 28 further allows the Cabinet Secretary, in consultation with the Board, to determine other categories of persons in need through a notice published in the Gazette.
11.	Clause 29 on Social Protection Benefits	The Clause expounds on the various types of non-contributory benefits
12.	Clause 30 on Eligibility on Social Protection	Non-contributory social protection is a preserve for Kenyan citizens, with the exception of emergencies where the State has a duty to protect those in emergency situations as per international law.
13.	Clause 31 on Application for Social Protection	This Clause allows any person to apply to the Board for a social protection benefit. It is important to note that social assistance benefits provided for or implemented by the Directorate of Social Assistance within the State Department for Social Protection and Senior Citizens Affairs immediately before the commencement of this Act shall continue to be provided or implemented by the Board.
14.	Clause 32-33 (Review of the Decisions of the Board, Appeals)	These Clauses provide redress mechanisms for aggrieved persons.

15.	Clause 34 on Rights and Obligations of a beneficiary	This Clause is in line with the Bill of Rights under the Constitution of Kenya and the Data Protection Act (Cap 411C) Laws of Kenya, that safeguards the rights of beneficiaries on access to information, informed consent, and to be treated with dignity. Under Clause 34(2), beneficiaries have a duty to utilize social protection benefits responsibly and to disclose accurate information to the Board.
16.	Clause 35 on Abuse of Social Protection Benefits	This Clause safeguards against the abuse of social protection benefits and further stipulates penalties for any person convicted.
17.	Clause 36 on termination of Social Protection Benefits	This Clause outlines the modalities for the termination of social protection benefits under different conditions.
18.	Clause 37 on Refund to the Board	It makes provision for the procedures to refund or recover social protection benefits erroneously paid to a beneficiary.
19.	Clause 38 on Review of Social Protection Benefits	This Clause provides modalities for recertification to maintain eligibility for social protection benefit. It is to be noted that the rationale for this Clause is that social protection benefits are not lifetime benefits.
20.	Clause 39 on Indexation of Social protection Benefits	The Clause seeks to protect the real value of social protection benefits against inflation. Such review is to be undertaken periodically with the concurrence of the National Treasury.
21.	Clause 40 on Social Protection Registry	Social Protection establishes a database for poor and vulnerable individuals and households and also includes those enrolled in various social protection programmes.
22.	Clause 41 on Data handling	This Clause ensures the safety and security of data in line with the Data Protection Act (Cap 411C) Laws of Kenya.
23.	Clause 42-46 on Obstruction, Giving false information, Unlawful disclosure of information, Fraud and Misappropriation of Funds.	These Clause makes provisions for general offences and penalties.
24.	Clause 47 on Social Protection Fund	Establishes a Social Protection Fund, which shall consist of grants and donations, such monies as may be appropriated by the National Assembly, income generated from proceeds of the Fund, and any monies accruing to or received by the Fund from any lawful source. It also provides for the purpose of the Fund and its oversight.

25.	Clause 48 on Regulations	This Clause empowers the Cabinet Secretary to develop regulations for the implementation of the Act. This is particularly for the provisions that are not self-enforcing.
26.	Clause 49 on Repeal of Cap 258 A	This Clause repeals the Social Assistance Act (Cap 258A.) and the ground for the repeal.
27.	Clause 50 on transitions of staff	This Clause makes provision for the transitioning of staff of the National Social Protection Secretariat and the Directorate of Social Assistance, both under the State Department for Social Protection and Senior Citizen Affairs.
28.	Clause 51 on Obligations and liabilities	This Clause transits pending obligations and liabilities from the National Social Protection Secretariat and the Directorate of Social Assistance to the Board.
29.	Clause 52 on Reference to the Directorate of Social Assistance or the National Social Protection Secretariat	After the commencement of this Act, reference shall be made to the Board since the Directorate of Social Assistance and the National Social Protection Secretariat shall be deemed directorates under the Board.
30.	Clause 53 of Vetting of Assets	After the commencement of this Act, assets of the Directorate of Social Assistance and the National Social Protection Secretariat shall be deemed assets of the Board.
31.	Clause 54 on Legal Proceedings	This Clause transits any pending legal proceedings from the Directorate of Social Assistance and the National Social Protection Secretariat to the Board.
32.	Clause 55 on Directions, Orders and Authorization	After the commencement of this Act, Directions, Orders, Authorizations, permits issued or registrations made by the Directorate of Social Assistance and the National Social Protection Secretariat, shall be deemed as Directions, Orders, Authorizations, permits issued or Registrations of the Board.
33.	Clause 56 on Transition of Social Assistance benefits, programmes and beneficiaries	This Clause makes provision for the transition of social assistance benefits, programs and beneficiaries implemented by the Directorate of Social Assistance to the Board

4.2 THE STATE DEPARTMENT FOR CHILDREN WELFARE SERVICES IN CONJUNCTION WITH THE CHILD WELFARE SOCIETY OF KENYA (CWSK)

67. In response to the invitation by the National Assembly to submit Memoranda on The Social Protection Bill, the State Department for Children Welfare Services in conjunction with the Child Welfare Society of Kenya, as key stakeholders in social protection, submitted the following —

Name of the Board

68. The name of the Board should be clear and specific to distinguish the entity from the Board of Management. Similar to the National Transport and Safety Authority (NTSA), it was proposed that the name of the Board be amended to "The National Authority for Social Protection".

Orphans and Vulnerable Children (OVC) Cash Transfer

69. Children require close follow up. It is suitable for OVC Cash Transfer to be taken where support services are, that is at the Directorate of Children Services (DCS). DCS officers are able to make follow up and monitor outcomes as they undertake other child-related case assessments. Therefore, it is more appropriate to have the Orphans and Vulnerable Children Cash Transfer managed and dispensed within the Directorate of Children Services in the newly established State Department for Children Welfare Services.

Allowance for more time for public participation

70. Social Protection is a right that is entitled to every citizen as provided for in the Constitution of Kenya. The matter should therefore be open to the general public as it concerns all Kenyans. Therefore, the public should be sensitized on what the Bill proposes and allowed more time for meaningful participation.

Proposed Amendments to the National Social Protection Bill, 2025

71. The Bill has assigned roles and services to the Board that are already being provided by Ministry of Labour and Social Protection's line Directorates and Agencies within specific legal framework. Therefore, to avoid duplication and overlap of roles, the Bill should limit itself to management and dispensing Cash Transfers. The State Department thus proposed that the National Social Protection Secretariat and The Directorate of Social Assistance be combined to form a State Corporation with a Board of Directors and a Secretariat headed by a Chief Executive Officer.

72. The State Department for Children Welfare Services in conjunction with the Child Welfare Services presented the summary of their proposed amendments as follows: —

CLAUSE	PROPOSED AMENDMENTS	JUSTIFICATION
Introduction	Amend by deleting the word " interventions " and inserting the word " benefits " to read A Bill for AN ACT of Parliament to provide a framework for the administration of non-contributory social protection benefits ; to establish the National Board for Social Protection and for connected purposes	1. "for the administration of non-contributory" implies financial benefits as opposed to broad interventions which are provided by other line Ministry Directorates and Agencies. 2. The mandate of the two

	ENACTED by the Parliament of Kenya as follows—	government Agencies that is Directorate of Social Protection Secretariat is limited to financial Assistance.
Part 1 clause 2	1. Amend by deleting the entire clause on the interpretation of " complementary programme "	The complementary programme is beyond the mandate of the Board and duplicates services provided by other Government social service agencies and directorates
	2. Amend by deleting the words "slow or" in the meaning of " shock " to read "shock" means a rapid onset of high-impact ecological, environmental, economic or social disturbance that affects the well-being or socioeconomic condition of an individual, household or any segment of the population;	Shock as defined is a rapid and disruptive event.
	3. Amend by deleting the words " or social care service " in the definition of "social assistance" to read: " Social assistance " means any financial assistance granted to a poor or vulnerable person or household;	Social care services are services already being provided by line Ministry Directorates and Agencies.
	4. Amend by deleting the entire definition of " social care service "	Social care services are services already being provided by line Ministry Directorates and Agencies.
	5. Amend by deleting the entire definition of " vulnerable child "	The mandate for the care of vulnerable children has been provided for in the Children Act and is under the State Department for Children

		Services
Part I clause 3	Amend by deleting the word " all " in sub clauses (a), (b) and (c) to read: (a) cushion persons against risks and contingencies throughout their life cycles; (b) build human capital capabilities and resilience of persons; and (c) promote the wellbeing of persons.	To align the clause to the provisions of the Constitution Article 43 (3) "the State shall provide appropriate social security to persons who are unable to support themselves and their dependants"
Part I clause 5 (b) and (c)	Amend by deleting the word " interventions " and inserting the word " benefits " to read: (b) promotion of a rights based approach to the delivery of social protection benefits; (c) adequacy, accessibility and sustainability of social protection benefits;	Broad interventions/services are provided by other line Ministry Directorates and Agencies
Part I clause 6	Amend by " deleting the entire clause 6 on role of county governments "	Social protection is the mandate of the National Government, it is not provided for in the fourth schedule of the Constitution on the functions and powers of the County Government
Part II clause 8	1. Amend by deleting the words " interventions and programmes " in 8 (b) and insert the word "policies" after the words "social protection" to read: 8(b) design, implement, monitor and evaluate social protection policies 2. Amend by deleting the words "and social care" in 8 (c) to read: 8(c) provide social assistance to vulnerable persons	Broad interventions/services are provided by other line Ministry Directorates and Agencies
	3. Amend by deleting 8 (d)	The coordination function rests with the state department.

Part II clause 7	Establishment of the Board Amend by deleting the word " Board " after national and inserting the word " authority " to read as follows: 7 (l) There is established an Authority to be known as the National Authority for Social Protection.	The proposed bill is not differentiating the roles of the National Social Protection Board as an entity and the roles of the Board of the Management.
Part II clause 10	Amend by adding 10 (g) and (h) to read: (g) the Principal Secretary in charge of Interior and National Administration (h) One person nominated by Public Benefits Organizations	Social Protection is encompassing and should include the National Administration as well as Public Benefits Organizations.
Part II clause 11 (1)(b)	Amend by inserting the words " in social sciences " after the word " degree " to read: (b) possesses a postgraduate degree in social sciences from a university or academic institution recognized in Kenya;	The academic qualification should be relevant to the field of practice
Part II clause 11 (2)(b)	Amend by inserting the word " relevant " before the word " degree " to (b) possesses a relevant degree from a university recognized in Kenya;	The academic qualification should be relevant to the field of practice
Part II Clause 14 (3) (b)	Amend by deleting the words "a relevant field" and inserting the words " social sciences " to (b) holds a postgraduate degree in social sciences from a university or academic institution recognized in Kenya;	This is too open and relative.
Part III Clause 28	Amend by deleting clause 28 (3) (a)	Orphans or Vulnerable Children are under the mandate of the State Department for Children Welfare Services.
Part III clause 29	Amend by deleting clause 29 (b)	Social care services are services already being provided by line Ministry Directorates and Agencies.
Part III clause 31	Amend by inserting a new clause 31 (6) on timelines	The application process ought to provide timelines for the processing of the applications
Part III clause 33	Amend by allowing appeals to go first to the Cabinet before the High Court of Kenya	Considering the vulnerability of persons, it is easier to appeal to the Cabinet Secretary as opposed to going to court

Part III clause 40	Amend by deleting the word "interventions" in Clause 40 (1) and (2) (c) (d) (e) (g) and inserting the word "benefit"	Broad interventions/social care services/ programmes are provided by other line Ministry Directorates and Agencies
Part IV clause 44	Amend clause 44 by deleting the words " six months " and inserting the words " two years " to read as follows: 44. A person who unlawfully divulges details of a beneficiary or any information obtained under this Act in relation to a beneficiary commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding two years or to both.	Considering the gravity of the matter, the term is lenient
Part V clause 48 (2) (j)	Amend clause 48 by deleting the word " interventions " and inserting the word " benefits " to read as follows: (j)exit criteria for social protection benefits; and	Broad interventions/social care services/ programmes are provided by other line Ministry Directorates and Agencies.
Memorandum of Objects and Reasons Part II	Amend by deleting the word " interventions " wherever it appears and inserting the word " benefits ".	Broad interventions/social care services/programmes provided by other line Ministry Directorates and Agencies

73. *Conclusion:* The State Department for Children Welfare Services in conjunction with the Child Welfare Society reiterated the sentiments herein that the rights of children are distinct and belonging to a special category of vulnerable persons and enshrined in the Constitution of Kenya, Article 53.

74. Further, the Children Act espouses the same rights and safeguards, allowing this category of persons to be uniquely recognized by regional and international legal instruments without grouping them with other persons while providing service. Children are handled separately in other sectors like Justice, Education, Health and as well as the Social Sector.

4.3. AFRICAN CENTRE FOR PARLIAMENTARY AFFAIRS (ACEPA)

75. This memorandum was submitted by a coalition of United Nations Development Programme (UNDP), organizations of persons with disabilities and Civil Society Organizations (CSOs) who are committed to inclusive policy making, gender-responsive policies, and equitable economic opportunities across multiple sectors.

76. As regards social protection and more specifically about the Social Protection Bill 2024, the Budget Policy Statement (BPS) should prioritize the enactment of the Social Protection Bill, 2025 since it provides a comprehensive legal framework for social assistance, income security, and shock-responsive interventions; enacts Article 10(2b), Article 43, Article 54 (1- b), persons with disabilities; older members of society to receive reasonable care and assistance from their family and the State, Article 27(4) 27(6), of the Constitution. More importantly, it addresses gaps in the existing social protection framework.

77. ACEPA's summary of submissions on the Bill was as follows:

Clause	Issue	Recommendation
Clause 1 - Definitions	No definition of Marginalized groups	Add "include the definition of marginalized groups as outlined within the constitution of Kenya Article 260
	Definition of; (i) Caregivers Unpaid/Family/Community or Informal Caregiver (ii) Formal Caregiver Institutional Care leavers	Unpaid/Informal/Family or Community Caregiver: A person who gives care to a member of the family or Community, (a care-receiver), who needs help taking care of themselves. Sometimes they are called Family or Community Caregivers. Formal Caregiver - This is a person who has been employed formally by a family or institution to provide care for a person who needs care because of disability, health challenges, age or other related deteriorating conditions. Add "unpaid caregivers" Add "institutional care leavers" Care-leavers are generally recognized as young people who leave an institutional care setting without a stable family which exposes them to vulnerability.
Clause 2 Interpretation	No Definition of the word Persons with Disabilities	Define the word Persons with disabilities from the Constitution of Kenya Article 260
	SHA (Social Health Authority) and SHIF (Social Health Insurance Fund) not included in the interpretation of the Bill	Insert the following definitions: "Social Health Authority" means the Authority established under section 4 of the Social Health Insurance Act, 2023, and mandated to regulate, supervise and coordinate the administration of social health insurance in Kenya. "Social Health Insurance Fund" means the Fund established under section 9 of the Social Health Insurance

		Act, 2023, for the purpose of providing financial protection against health-related risks for all persons' resident in Kenya
Clause on Objective of the Bill-Part I(3)	Objects of the Bill lack specific reference to empowerment of women and marginalized groups.	Add an objective <i>"To promote gender equality and empower women, vulnerable and marginalized groups through inclusive and targeted social protection measures."</i> Add: 'To recognize, redistribute, and reduce unpaid care and domestic work.'
Clause on Guiding Principles-Part I (5)	The guiding principles do not include gender responsiveness Excludes informal caregivers and Intersectionality	Add a principle stating <i>"Social protection shall be gender responsive, promoting equal access, participation, needs and benefits for all genders."</i> Include: 'Recognition of unpaid care work and inclusion of marginalized groups.'
Clause 6: The Role of County Governments	The use of the word "may" in defining the roles of the county government on social protection seems is ambiguous and leaves chances for the Act not be effectively implemented	Change the word "may" to "shall"
Clause on the roles of National Government County Government - Part I (6)	The roles of National government have not been provided	The roles of the National Government include: The national government shall— (a) develop laws and policies on the protection and promotion of the welfare of all; (b) develop laws and policies on the protection and promotion of the welfare of all; (c) provide facilities and infrastructure for the training of professionals in the rehabilitation and provision of care; (d) allocate adequate resources to programmes specifically targeting social protection interventions; (e) allocate adequate resources for training of both paid and unpaid (family) caregivers and social workers in the social protection interventions;

Clause 8 - Functions of the Board	No focus on care economy or disability inclusion	Mandate support for unpaid caregivers and inclusive economic strategies
Part II (10) Composition the board	Non-governmental organizations working on social support have been left out. There's no incorporation of the State Department for Gender into the governance framework Excludes representatives from care and disability sectors	Add " <i>Principal Secretary State Department for Gender</i> " Include the secretariat of NGEN secretary because social protection falls within the mandate of NGEN Add " <i>Principal secretary state department of children services</i> " Add clause " <i>Stakeholder consultations shall include representatives from gender focused civil society organizations</i> ".
Clause 10 (e) nominations members	Does not mandate inclusion of gender advocacy groups or women's organizations in consultations	Add (f) unpaid family caregivers Introduce equivalency pathways recognizing lived experience and informal expertise.
Clause 11 - Qualification of the Board Members	Eligibility Criteria Degree and 10+ years' experience excludes marginalized persons	Degree and 10+ years of experience excludes marginalized persons Excludes representatives from care and disability sectors
Clause 13 (I) (c) (iii) (vi) Clause 13 (c) (iv) Vacancy	Framing of language that has a potential for discrimination by saying that the office of Chairperson or member of the board shall become vacant if the person is incapacitated by prolonged physical or mental illness.	Retain iii which has disability neutral language that reads, is otherwise unable or unfit to discharge the functions of the office. Delete vi
Clause 18 mandate		Add to the mandate - Protect and promote the rights and interests of vulnerable groups including the older members of society ty and popularize online and offline socioeconomic opportunities for guardians, and caregivers of beneficiaries of social protection

<p>Clause Administration of Social Protection - Part 28 (3)</p>	<p>Fails to include persons in humanitarian crisis, unpaid/family caregivers and persons affected by impact of climate change (Floods, drought)</p>	<p>Add to the lists (e) person affected by climate change (floods, drought etc) (f) person in humanitarian crisis (g) victims of gender-based violence (h) Unpaid/family Caregivers (i) Care Leavers, and (j) any other group</p>
<p>Clause Protection Part III -29 (b)</p>	<p>Lacks dedicated programs such as for women in informal labour, female headed households and victims of gender based violence</p> <p>Lacks the issue of an accommodative and flexi working environment for family caregivers.</p> <p>Lacks anything that is medical/health-related.</p> <p>Lacks a specific framework or programme for community-based elderly care, including support for informal caregivers.</p>	<p>Add "women in informal labor, female headed households and survivors of gender based violence" to the list.</p> <p>Add 'caregiving leave (just the way we have maternity/paternity leave) for primary family caregivers whenever there is need.'</p> <p>Add 'free and/or subsidized medical care for care-receivers and primary unpaid caregivers.</p> <p>Add 'free essential drugs' and 'free/subsidized cost of diapers and assistive devices.'</p> <p>insert a new provision to mandate the Board to develop and fund community-based elderly care programmes, including training, home-based services, and caregiver support.</p> <p>Add psychosocial support for caregivers as well.</p> <p>Protect the socio-economic opportunities for the caregivers as well.</p>
<p>Not in protection Bill 2025</p>	<p>Provision of social health protection- Lacks the provision of social health protection under section</p>	<p>the National Government, in collaboration with relevant State and non-state actors, shall-</p> <p>(a) support the implementation of universal health care pursuant to the National Social Health Insurance Act;</p> <p>(b) expand health insurance coverage and health service provision to poor and vulnerable groups, informal and rural workers;</p> <p>(c) develop strategies to ensure increased coverage among formal sector workers;</p> <p>(d) develop measures to strengthen the response to healthcare crises and future pandemics;</p>

		<p>(e) support the development of a mechanism to facilitate a post-retirement medical insurance scheme for employees;</p> <p>(f) facilitate and enhance the portability of social health protection benefits;</p> <p>(g) support the development and implementation of mechanisms to extend social health insurance for migrant Kenyan workers;</p> <p>(h) introduce a maternity benefit to cushion mothers from maternity- or pregnancy-related income loss, with a particular focus on informal economy workers;</p> <p>(i) enhance and utilize gender and age disaggregated integrated systems including the Single Registry to inform the support of provision of Social Health Protection interventions; and put in place any other measures and introduce any interventions and programme for the provision of social health protection.</p>
<p>Clause on Eligibility for Social Protection Part III-30</p>	<p>Eligibility is broadly defined without acknowledging gender specific vulnerabilities</p> <p>Has omitted the Caregivers and informal workers omitted</p> <p>The bill rightly provides for Social Protection for the older persons. However, subjecting them to poverty/means testing is just inclusion of a bureaucratic criteria that will lead to exclusion of majority of them.</p> <p>Has omitted the Caregivers and informal workers</p>	<p>Add "<i>Eligible persons shall include single parents, unpaid family caregivers, widowed persons and survivors of gender based violence among other vulnerable groups</i>"</p> <p>Add "<i>include unpaid caregivers and informal sector workers</i>"</p> <p>Amend Clause 30 to introduce a guaranteed, universal cash transfer for all Kenyan citizens aged 60 and above, regardless of economic status.</p> <p><i>persons and survivors of gender based violence among other vulnerable groups</i>"</p> <p>Add "<i>include unpaid caregivers and informal sector workers</i>"</p>

Clause Protection Part III-40(f)	There's no requirement for gender-disaggregated data collection	Add a provision "All monitoring and evaluation frameworks shall include gender-disaggregated data and conduct impact assessments on gender inclusivity."
Clause on Social Protection Fund and Regulations- Part V-48(2)	There's no reference to gender responsive budgeting No earmarking for unpaid care or inclusion programs	Add a provision "The fund shall allocate a minimum percentage of its budget annually to programs addressing the specific needs of women and gender minorities." Add "Create dedicated funds for caregivers and marginalized groups. "
Cross-cutting	Private Sector Involvement No obligation or incentive for private sector participation	Include a clause encouraging private sector compliance with inclusive social protection standards, tax incentives for hiring caregivers and persons with disabilities, and partnership in the delivery of care infrastructure.
	Engagement of Private Sector and UN Agency	Limited integration of private and development partners in Implementation
	Inclusive Labour Practices Insufficient incentives or mandates for employers to adopt care-sensitive practices	Encourage public and private employers to adopt inclusive labour standards such as reasonable accommodation, care leave, and workplace flexibility especially for caregivers and persons with disabilities.
Add a new clause to ensure accessibility of information and communication for persons with disability	The Bill does not provide for the provision of information to persons with disability	Accessible Information and Communication: Ensure that all public information and delivery systems related to social protection are fully accessible. This includes the use of sign language interpretation, Braille materials, captioning, screen reader friendly formats, and simplified language. The Social Protection Registry and Grievance Mechanisms must be designed with accessibility in mind, ensuring that persons with disabilities and caregivers can engage meaningfully with these platforms.

78. *Conclusion* -The Social Protection Bill, 2025 is a critical step toward a more inclusive and resilient Kenya, thus encouraged Parliament to amend the Bill to remove systemic barriers and embed principles of equity, care, and dignity.

79. In addition, the following additional elements were recommended —

- i) Flexible Work Hours and Remote Work Options for Caregivers
- ii) Definition of Caregivers
- iii) Private Sector and Development Partner Involvement
- iv) Accessible Information and Communication
- v) Medical Waivers and Insurance Support

4.4. KENYA DISABILITY PARLIAMENTARY ASSOCIATION (KEDIPA)

80. The Kenya Disability Parliamentary Association (KEDIPA) forwarded their submissions, which was as follows:-

TARGETED SECTION	BEFORE PROPOSED AMENDMENT	AFTER THE PROPOSED AMENDMENT	REASONING
Amendment of section 10 to introduce Subsection 10(1)(e)(v)	No provision for the same.	One person nominated by the most representative of an organization whose area of operation is among the marginalized communities.	Social protection initiatives seek to support vulnerable groups. Marginalized communities present one of the least represented and the most disadvantaged groups. Article 260(e) defines them to include pastoral persons, indigenous communities, small population and traditional communities. Representation of these groups at the national board will ensure that social protection initiatives are canvassed from the standpoint of vulnerable persons.
Amendment of Subsection 11(2)(c) to reduce the experience required to 7 years.	“A person qualifies to be appointed as a member of the board if the person has at least 10 years’ experience in the social protection”	“A person qualifies to be appointed as a member of the board if the person has at least 7 years’ experience in the social protection”	The said section is indirectly discriminatory against the youth. Article 260 of the Constitution defines a youth to include a person between 18 - 35 years. The education system leading to the issuance of a degree as required by the board is such that the degree is conferred at 23 years for someone who didn’t repeat or defer any module. A 10 years’ experience in social protection means that a youth must have been employed immediately after graduation which does not reflect the status of

			unemployment in Kenya thus discriminatory. Youth as caregivers or representatives of vulnerable groups should be indirectly accommodated by the board by reducing the experiencing required.
Amendment of Subsection 31(5)	“The board shall convey its decision to the applicant in writing.”	The board shall convey its decision to the applicant in writing, within 90 days after the assessment has been done.	It is important that clear timelines are provided to achieve the objectives of this Act lest we process assessments indefinitely
Amendment of section 2 to introduce definitions for ‘Shock responsive social protection’ to define what constitutes a shock under the Bill	No provision	‘Systems that adapt to cope with large-scale occurrences affecting many people simultaneously, such as natural hazards, economic crises, pandemics, conflict including cattle raids leading to vulnerability, and forced displacement.	There are occurrences that risk being left out in social protection, as lack of definition may create loopholes for narrow definitions. However, regulations to be made by the Board should ensure cooperation between the scheme established by this Act and other agencies to ensure that disasters that requires Climate Change Fund response are dealt with by other agencies.
Amendment of Section 32(3) on the constitution of a Committee to Review Board Decision		The membership of the established committee should comprise at least half of the members who didn't participate in the decision to be reviewed.	This will enhance independence of the review committee and reduce chances of bias.

4.5 DR. WARUINGE MUHINDI (SOCIAL PROTECTION SPECIALIST)

81. Dr. Waruinge Muhindi, a social protection specialist, sent submissions to the Committee Secretariat through email on Thursday 17th April 2025 as follows;

Clause 28 and 29	The proposed Board SHOULD NOT be both a Policy-Maker and an Implementer at the same time, as this will create a conflict of interest. There are existing fully fledged government Directorates (Social
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Development and Children Services) that have specialized personnel up to the County level that implement the functions for the elderly, the disabled, children in need of care and protection, orphans, and vulnerable children in need of rehabilitation.

The proposed Board DOES not have the capacity and personnel.

The proposed Board, therefore, is duplicating the roles of existing departments contrary to the government's efforts to streamline its operations.

82. In the consideration of the Bill, reference should be made to the Children Act, which gives clear responsibilities and mandates for how the children's sector operates. The children's issues are and should be handled differently by personnel who understand them.

PART FIVE

5 COMMITTEE OBSERVATIONS

The Committee made the following observations;

83. There was need to amend the Bill to specifically incorporate children's welfare under the newly-created State Department for Children Welfare Services under the Ministry of Labour and Social Protection.
84. The social protection system in Kenya concentrates mainly on a few vulnerable groups at the expense of the others. For instance, the *Inua Jamii* programme deals with the elderly above 70 years, receiving the highest allocation in the social welfare sector. The other vulnerable groups such as the children and youth are severely underfunded.
85. The current cash transfer programme, *Inua Jamii*, is plagued by weak data management systems and undefined criteria for registration of beneficiaries. This leads to fraud and corruption thereby jeopardising the efforts of the government in providing social protection services as mandated by the Constitution.
86. There is lack of awareness on the social protection programmes that are in place. There is no proper branding of the programmes leading to negative public perception. The public is unaware of the operations of the current programmes thereby leading to low uptake.
87. There is need to ensure that the work of the proposed National Board for Social Protection does not impede on or interfere with the work and mandate of other Ministries or line Directorates and Agencies within the Ministry of Labour and Social Protection, and does not attempt to subjugate these Ministries, Departments, Directorates and Agencies to itself.
88. There is lack of linkages between social protection programmes and other services. The success of social protection programmes, as seen in the comparative study to other countries such as Peru, relies on the interconnection with programmes such as nutrition, domiciled in other ministries such as the Ministry of Health, in order to achieve maximum impacts.
89. The definition of the term care-givers as used in the Bill is sufficient and there is no need to redefine the term.
90. The usage of the word "persons with disabilities" in clause 28 is clear and does not warrant any specific definition.
91. The provision of social assistance is a national government function for which the Bill has established the National Board for Social Protection as the national government organ that shall be responsible for provision of social assistance.
92. The membership of the National Board for Social Protection is aligned with Mwongozo guidelines which is a maximum of nine Members. The Principal Secretary responsible for social protection is responsible for provision of social protection to all persons in need including orphans and vulnerable children.
93. The qualifications for appointment as a Board Member seek to mirror with the criteria prescribed by the Mwongozo guidelines. The Cabinet Secretary is also obligated to ensure compliance with the national values and principles of governance which includes non-discrimination and protection of the marginalized in appointing the Members of the Board.
94. In respect of occurrence of a vacancy in the Board, incapacitation by prolonged physical or mental illness may be a ground for removal from office.
95. The Bill provides a framework for the administration of non-contributory social protection interventions; to establish the National Board for Social Protection and for connected purposes.

- The use of the word “interventions” is broad and includes provision of various social protection benefits.
96. The definition of the terms complementary programme, social care services and vulnerable child apply in respect of the role of the Board to provide social care services and complementary programmes to persons in need.
 97. The definition of the term social protection already includes shocks responsive social protection.
 98. There is need to obligate the county governments to perform their respective roles as espoused in clause 6.
 99. Clause 6 of the Bill provides for the role of the county governments in implementing national government policies on social protection.
 100. The Bill establishes a Board rather than an Authority to take over the functions of the Directorate of Social Assistance and the National Social Protection Secretariat.
 101. The objects of the Bill are to cushion all persons against risks and contingencies throughout their life cycles including women and marginalized groups.
 102. Clause 8 of the Bill mandates the Board to provide social assistance and social care to vulnerable persons which include provision of respite care services.
 103. There exists no conflict of roles in the functions of the Board as clause 8 provides that the Board shall be responsible for advising the Cabinet Secretary on policy and providing and coordinating social protection interventions.
 104. Clause 11 of the Bill applies relevancy on the experience required for one to be appointed as a Member rather than the academic qualifications.
 105. There is need to define the timelines within which the Board should process an application for social protection.
 106. Clause 29(b) on social protection benefits is drafted to allow reference to other social care services in addition to the ones enumerated in the Bill.
 107. Clause 28(2) of the Bill allows the Cabinet Secretary in consultation with the Board to determine other categories of persons who may be in need of social assistance.
 108. The Social Health Insurance Act provides for matters of provision of social health insurance.
 109. Clause 30 of the Bill prescribes the criteria for eligibility for social protection and includes where a person complies with any requirements or conditions prescribed by the Cabinet Secretary in regulations including income thresholds, means testing, age limits, health status, disabilities and care dependency.
 110. The Board is mandated to ensure continuous collection and disaggregation of data, undertake civic education on social protection and promote a community of practice of social as a knowledge-sharing platform.
 111. Additionally, the Bill confers power to the Board to cooperate and collaborate with other public and private entities in the enforcement of the Act.
 112. Appeals against the decision of the Board should first be with the Board in terms of seeking a review of its decision and then the High Court as already provided for in the Bill. Clause 33 of the Bill provides for the review and appeal mechanisms against the decision of the Board.
 113. The term of imprisonment defined in clause 44 is commensurate to the prescribed fine in respect of the offence of divulging information relating to a beneficiary.
 114. Clause 47 provides for the establishment of a Social Protection Fund to facilitate the implementation of the Act including provision of social protection assistance to all persons in need.

PART SIX

6. COMMITTEE RECOMMENDATIONS

115. Pursuant to Standing Order 127, the Committee recommends **THAT the Bill does proceed for Second Reading** subject to the following amendments—

Clause 3

THAT the Bill be amended by deleting clause 3 and substituting therefor with the following-

3. The objects of this Act are to-

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

Clause 6

THAT clause 6 of the Bill be amended by deleting the word “may” appearing immediately after the words “county government” and substituting therefor the word ‘shall’.

Clause 10

THAT clause 10 of the Bill be amended by-

- a) adding the following paragraph immediately after paragraph (b)-
 - (c) the Principal Secretary for the time being responsible for matters relating to children or their representative designated in writing;
- b) in paragraph (e) by deleting the word “four” appearing before the word “persons” and substituting therefor the word “three”.
- c) by deleting paragraph (e)(i).

Clause 11

THAT clause 11 of the Bill be amended by-

- a) in sub-clause 1(c) by deleting the word “fifteen” appearing immediately after the words “at least” and substituting therefor the word “ten”.
- b) in sub-clause 1(d) by deleting the word “ten” appearing immediately after the words “at least” and substituting therefor the word “seven”.
- c) in sub-clause 2(c) by deleting the word “ten” appearing immediately after the words “at least” and substituting therefor the word “seven”.

Clause 28

THAT clause 28 of the Bill be amended in sub-clause 3 by inserting the following paragraph immediately after paragraph (e)-

- (f) unpaid caregivers

Clause 29

THAT clause 29 of the Bill be amended in sub-clause (b) by-

- a) inserting the following paragraphs immediately after paragraph (vii)-
(viii) provision of essential drugs, personal care goods and assistive devices
- b) renumbering paragraph (viii) as (ix)

Clause 31

THAT clause 31 of the Bill be amended in sub-clause (5) by inserting the words "within sixty days of receiving an application" immediately after the words "in writing".

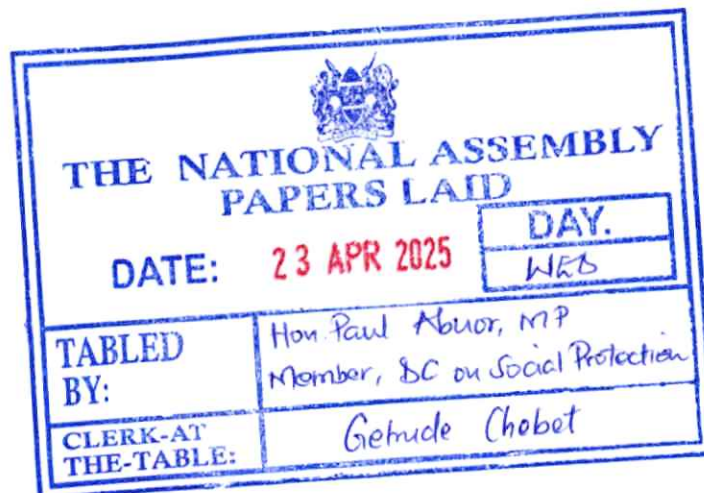
Clause 33

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

New Clause 57

THAT the Bill be amended by adding New Clause 57 immediately after Clause 56-

57 Nothing in this Act accords the Board power or authority to undertake statutory or routine tasks and responsibilities that are under the mandate of other Ministries, Departments, Directorates, State Corporations, Trusts or Agencies of government.



PART SEVEN


7. SCHEDULE OF PROPOSED AMENDMENTS

116. The Committee proposed the following amendments to be considered by the House in the Committee Stage:

Amendment	Rationale/ Justification of the Amendment
<p>Clause 3 THAT the Bill be amended by deleting clause 3 and substituting therefor with the following-</p> <p>3. The objects of this Act are to-</p> <ul style="list-style-type: none"> a) cushion persons in need against risks and contingencies; b) build human capital capabilities and resilience of persons in need; and c) promote the well-being of persons in need. 	<p>Article 43(3) of the Constitution mandates the State to provide appropriate social security to persons who are unable to support themselves and their dependents. It is not financially tenable to cushion all persons against risks and contingencies as currently provided in the Bill.</p>
<p>Clause 6 THAT clause 6 of the Bill be amended by deleting the word “may” appearing immediately after the words “county government” and substituting therefor the word ‘shall’.</p>	<p>Replacement of the word ‘may’ with ‘shall’ will obligate county governments to implement national government policies on social protection through county-specific legislations and strategies, as opposed to making it optional as currently provided in the Bill.</p>
<p>Clause 10 THAT clause 10 of the Bill be amended by- adding the following paragraph immediately after paragraph (b)-</p> <ul style="list-style-type: none"> (c) the Principal Secretary for the time being responsible for matters relating to children or their representative designated in writing; b) in paragraph (e) by deleting the word “four” appearing before the word “persons” and substituting therefor the word “three”. c) by deleting paragraph (e)(i). 	<p>The inclusion of the Principal Secretary dealing with children matters in the Board is critical in ensuring that this vulnerable yet populous proportion of the citizenry is accorded due regard and consideration.</p> <p>The reduction of one nominee among those appointed by the Cabinet Secretary is in ensuring that the total number of Board members does not exceed nine pursuant to the Mwongozo Code of Governance.</p>
<p>Clause 11 THAT clause 11 of the Bill be amended by-</p> <ul style="list-style-type: none"> a) in sub-clause 1(c) by deleting the word 	<p>This amendment is meant to ensure that deserving but marginalized persons are not disadvantaged by extensive experience requirements.</p>

<p>“fifteen” appearing immediately after the words “at least” and substituting therefor the word “ten”.</p> <p>b) in sub-clause 1(d) by deleting the word “ten” appearing immediately after the words “at least” and substituting therefor the word “seven”.</p> <p>c) in sub-clause 2(c) by deleting the word “ten” appearing immediately after the words “at least” and substituting therefor the word “seven”.</p>	
<p>Clause 28 THAT clause 28 of the Bill be amended in sub-clause 3 by inserting the following paragraph immediately after paragraph (e)- (f) unpaid caregivers</p>	<p>Most caregivers who give care to children, persons with disabilities and other vulnerable persons have no source of income since they are engaged with the vulnerable care-receivers typically on a daily-basis, and as such, are deserving of social protection interventions,</p>
<p>Clause 29 THAT clause 29 of the Bill be amended in sub-clause (b) by- c) inserting the following paragraphs immediately after paragraph (vii)- (viii) provision of essential drugs, personal care goods and assistive devices d) renumbering paragraph (viii) as (ix)</p>	<p>This amendment is meant to ensure that the needs of persons with disabilities such as autism, albinism, and other disabilities, as well as other vulnerable persons, access free or subsidized essential drugs, personal care goods such as diapers, and various assistive devices as a means to mitigating their varied circumstances.</p>
<p>Clause 31 THAT clause 31 of the Bill be amended in sub-clause (5) by inserting the words “within sixty days of receiving an application” immediately after the words “in writing”.</p>	<p>This amendment is meant to compel the Board to respond to a social protection applicant within a set timeline of 30 days. Currently, there is not timeline set in the Bill.</p>
<p>Clause 33 THAT clause 33 of the Bill be amended by inserting the words “in the first optional instance, to the Cabinet Secretary, or ” immediately after the words “may appeal”.</p>	<p>This amendment is meant to accord social protection applicants who may wish to appeal the Board’s decision rejecting their application opportunity to approach the Cabinet Secretary, as an optional appeal avenue, or appeal directly to the High Court. An applicant who appeals to the Cabinet Secretary responsible for social protection will be at liberty to further appeal to the High Court if the applicant so wishes.</p>

<p>New Clause 57 THAT the Bill be amended by adding New Clause 57 immediately after Clause 56-</p> <p>57 Nothing in this Act accords the Board power or authority to undertake statutory or routine tasks and responsibilities that are under the mandate of other Ministries, Departments, Directorates, State Corporations, Trusts or Agencies of government.</p>	<p>This amendment seeks to ensure that the statutory mandate of existing Ministries, Departments, Directorates, State Corporations, Trusts or other Agencies of the government are not interfered with, subjugated or affected by operations of the National Board for Social Protection.</p>
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SIGNED:  DATE: 22-04-2015

HON. ALICE WAMBUI NG'ANG'A, CBS, M.P.
(CHAIRPERSON, DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION)

8. REFERENCES

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3. The White paper for social welfare, 1997
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5. The Social Assistance Act (2013)
6. The Kenya National Social Protection Policy, 2023
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MEMORANDUM ON THE SOCIAL PROTECTION BILL, 2025

PRESENTED TO:

THE PARLIAMENTARY COMMITTEE ON SOCIAL PROTECTION

THE NATIONAL ASSEMBLY

NAIROBI.

PREAMBLE

The Child Welfare Society of Kenya (CWSK) is a membership society with members from across the country. It is mandated for the care, protection, welfare and control of children. It is the National Welfare Society of Kenya, the National Emergency Response and Rescue Organization for children and the National Adoption Society. The agency was established and gazetted in 1955, as an approved society under gazette notice 1768 of 27/12/1955, an exempt society

under gazette 1536 of 04/11/1955, the Certificate of Exemption no 455 and the Adoption Society of Kenya, gazette notice 1356 of 28/04/1969. It is an exempt society and an irrevocable Trust. CWSK is under the Ministry of Labour and Social Protection.

In response, to the invitation by the National Assembly to submit Memoranda on The Social Protection Bill, Child Welfare Society of Kenya as key stakeholder in Social Protection hereby submits the following:

I. Name of the Board

The name of the Board should be clear and specific to distinguish the entity from the Board of Management. Like the National Transport and Safety Authority (NTSA), we propose the name of the Board to be **"The National Authority for Social Protection"**.

II. Orphans and Vulnerable Children Cash Transfer

Children account for approximately 46% population in the country. Orphans and vulnerable children are a category that have been served with utmost care. The first Cash Transfer in Kenya started in the year 2004 as a pilot programme targeting households with orphans and vulnerable children. This programme made a great impact in improving the livelihoods of orphans and vulnerable children especially those affected by HIV/AIDS. Some of the suitable outcomes included improved nutrition status of children, increased school enrollment and retention and overall better care and protection of

children. The Cash Transfer was expanded to include People Living with Disabilities and Older Persons. The resources for children services were lumped with other categories while the service providers were left in the Directorate of Children Services.

Children require close follow up. It is suitable for OVC Cash Transfer to be taken where support services are, that is at the Directorate of Children Services (DCS). DCS officers are able to make follow up and monitor outcomes as they undertake other child related case assessments. Therefore, it is more appropriate to have the Orphans and Vulnerable Children Cash Transfer managed and dispensed within the Directorate of Children Services in the newly established State Department for Children Welfare Services.

III. Allowance for more time for public participation

Social Protection is a right that is entitled to every citizen as provided for in the Constitution of Kenya. The matter should therefore be open to the general public as it concerns all Kenyans. Therefore, the public should be sensitized on what the Bill proposes and allowed more time for meaningful participation.

IV. Proposed Amendments to the National Social Protection Bill, 2025

The Bill assigns roles and services to the Board that are already being provided by other Directorates and Agencies within the Ministry and in line with legal instruments. Both the National Social Protection

Secretariat and Directorate of Social Assistance have a clear mandate and continue to exercise it effectively, save for challenges in resources. Therefore, to avoid duplication and overlap of roles, the Bill should limit itself to foster collaboration among Social Protection agencies and dispensing Cash Transfers. This means that specialized services like rehabilitation, social care services, respite care and psychosocial support remain within the line Ministry Directorates i.e. **Directorate of Social Development, Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability, Street Families Rehabilitation Trust Fund, National Council for Children Services and other agencies like Child Welfare Society of Kenya** in the respective State Departments. These amendments are presented in the following matrix:

NO	CLAUSE	PROPOSED AMENDMENTS	JUSTIFICATION
1.	Introduction	Amend by deleting the word "interventions" and inserting the word "benefits" to read A Bill for AN ACT of Parliament to provide a framework for the administration of	1. "for the administration of non-contributory" implies financial benefits as opposed to broad interventions which are provided by other Government Agencies including Directorate of Social Development,

		<p>non-contributory social protection benefits; to establish the National Board for Social Protection and for connected purposes</p> <p>ENACTED by the Parliament of Kenya as follows—</p>	<p>Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability, Street Families Rehabilitation Trust Fund, National Council for Children Services and other agencies like Child Welfare Society of Kenya.</p> <p>2. The mandate of the two Government Agencies that is Directorate of Social Assistance and National Social Protection Secretariat is limited to financial assistance.</p>
2.	Part I clause 2	1.Amend by deleting the entire clause on the interpretation of	The complementary programme is beyond the mandate of the Board and duplicates

		<p>"complementary programme"</p>	<p>services provided by other Government social service agencies and directorates</p>
		<p>2. Amend by deleting the words "slow or" in the meaning of "shock" to read</p> <p>"shock" means a rapid onset of high-impact ecological, environmental, economic or social disturbance that affects the well-being or socio-economic condition of an individual, household or any segment of the population;</p>	<p>Shock as defined is a rapid and disruptive event.</p>
		<p>3. Amend by deleting the words "or social care service" in the definition</p>	<p>Social care services are services already being provided by Government agencies including Directorate of</p>

		<p>of "social assistance" to read:</p> <p>"social assistance" means any financial assistance granted to a poor or vulnerable person or household;</p>	<p>Social Development, Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability, Street Families Rehabilitation Trust Fund, National Council for Children Services and other agencies like Child Welfare Society of Kenya.</p>
		<p>4.Amend by deleting the entire definition of "social care service"</p>	<p>Social care services are services already being provided by Government agencies including Directorate of Social Development, Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability, Street Families</p>

			Rehabilitation Trust Fund, National Council for Children Services and other agencies like Child Welfare Society of Kenya.
		5. Amend by deleting the entire definition of "vulnerable child"	The mandate for the care of vulnerable children has been provided for in the Children Act and is under the State Department for Children Welfare Services
3.	Part I clause 3	Amend by deleting the word "all" in sub clauses (a), (b) and (c) to read: (a) cushion persons against risks and contingencies	To align the clause to the provisions of the Constitution Article 43 (3)- "the State shall provide appropriate social security to persons who are unable

		<p>throughout their life cycles;</p> <p>(b) build human capital capabilities and resilience of persons;</p> <p>and</p> <p>(c) promote the well-being of persons.</p>	<p><i>to support themselves and their dependants</i></p>
4.	Part I clause 5 (b) and (c)	<p>Amend by deleting the word "interventions" and inserting the word "benefits" to read:</p> <p>(b) promotion of a rights-based approach to the delivery of social protection benefits;</p> <p>(c) adequacy, accessibility and sustainability of social protection benefits;</p>	<p>Broad interventions/services are provided by other Government Agencies including Directorate of Social Development, Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability, Street Families Rehabilitation Trust Fund, National Council for Children Services</p>

			and other agencies like Child Welfare Society of Kenya.
5.	Part I clause 6	Amend by " deleting the entire clause 6 on role of county governments "	Social protection is the mandate of the National Government, it is not provided for in the fourth schedule of the Constitution on the functions and powers of the County Government
6.	Part II clause 8	1. Amend by deleting the words "interventions and programmes" in 8 (b) and insert the word "policies" after the words "social protection" to read: 8(b) design, implement, monitor and evaluate social protection policies	Broad interventions/social care services/programmes are provided by other Government Agencies including Directorate of Social Development, Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability,

		<p>2. Amend by deleting the words “and social care” in 8 (c) to read:</p> <p>8(c) provide social assistance to vulnerable persons</p>	<p>Street Families Rehabilitation Trust Fund, National Council for Children Services and other agencies like Child Welfare Society of Kenya.</p>
		<p>3. Amend by deleting 8 (d)</p>	<p>The coordination function rests with the state department.</p>
7.	Part II clause 7	<p>Establishment of the Board</p> <p>Amend by deleting the word “Board” after national and inserting the word “authority” to read as follows:</p> <p>7 (1) There is established an Authority to be known as the National</p>	<p>The proposed bill is not differentiating the roles of the National Social Protection Board as an entity and the roles of the Board of the Management.</p>

		Authority for Social Protection.	
8.	Part II clause 10	Amend by adding 10 (g) and (h) to read: (g) the Principal Secretary in charge in charge of Interior and National Administration (h) one person nominated by Public Benefits Organisations	Social Protection is encompassing and should include the National Administration as well as Public Benefits Organizations.
9.	Part II clause 11 (1)(b)	Amend by inserting the words “in social sciences” after the word “degree” to read: (b) possesses a post-graduate degree in social sciences from a university or academic	The academic qualification should be relevant to the field of practice

		institution recognised in Kenya;	
10.	Part II clause 11 (2)(b)	Amend by inserting the word "relevant" before the word "degree" to read: (b) possesses a relevant degree from a university recognised in Kenya;	The academic qualification should be relevant to the field of practice
11.	Part II Clause 14 (3) (b)	Amend by deleting the words "a relevant field" and inserting the words "social sciences" to read: (b) holds a post-graduate degree in social sciences from a university or academic institution recognized in Kenya;	This is too open and relative.

12.	Part III Clause 28	Amend by deleting clause 28 (3) (a)	Orphans or Vulnerable Children are under the mandate of the State Department for Children Welfare Services. Children matters have no representation in the National Social Protection Board. Therefore, the funds for OVC-CT should be under the State Department for Children Welfare Services.
13.	Part III clause 29	Amend by deleting clause 29 (b)	Social care services e'g rehabilitation services, psychosocial support among others are provided by other Government Agencies including Directorate of Social Development, Directorate of Children Services and SAGAS i.e.

			National Council for Persons With Disability, Street Families Rehabilitation Trust Fund, National Council for Children Services and other agencies like Child Welfare Society of Kenya.
14.	Part III clause 31	Amend by inserting a new clause 31 (6) on timelines	The application process ought to provide timelines for the processing of the applications
15.	Part III clause 33	Amend by allowing appeals to go first to the Cabinet Secretary before the High Court of Kenya	Considering the vulnerability of persons it is easier to appeal to the Cabinet Secretary as opposed to going to court
16.	Part III clause 40	Amend by deleting the word “interventions” in Clause 40 (1) and (2) (c)	Broad interventions/social care services/programmes are

		(d) (e) (g) and inserting the word “benefit”	provided by other Government Agencies including Directorate of Social Development, Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability, Street Families Rehabilitation Trust Fund, National Council for Children Services and other agencies like Child Welfare Society of Kenya.
17.	Part IV clause 44	Amend clause 44 by deleting the words “six months” and inserting the words “two years” to read as follows: 44. A person who unlawfully divulges details of a beneficiary	Considering the gravity of the matter, the term is lenient

		<p>or any information obtained under this Act in relation to a beneficiary commits an offence and is liable, on conviction, to a fine not exceeding two hundred thousand shillings or imprisonment for a term not exceeding two years or to both.</p>	
18.	Part V clause 48 (2) (j)	<p>Amend clause 48 (2) (j) by deleting the word “interventions” and inserting the word “benefits” to read as follows:</p> <p>(j)exit criteria for social protection benefits; and</p>	<p>Broad interventions/social care services/programmes are provided by other Government Agencies including Directorate of Social Development, Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability, Street Families</p>

			Rehabilitation Trust Fund, National Council for Children Services and other agencies like Child Welfare Society of Kenya.
19.	Memorandum of Objects and Reasons Part II	Amend by deleting the word "interventions" wherever it appears and inserting the word "benefits" to read as follows: Part II of the Bill provides for the establishment of the National Board for Social Protection and defines its composition, functions, powers and its sources of funds. Some of the functions of the Board include advising the Cabinet Secretary on matters relating to	Broad interventions/social care services/programmes are provided by other Government Agencies including Directorate of Social Development, Directorate of Children Services and SAGAS i.e. National Council for Persons With Disability, Street Families Rehabilitation Trust Fund, National Council for Children Services and other agencies like

		<p>social protection, designing, and implementing social protection benefits and programmes, providing social assistance and social care to vulnerable persons, co-ordinating social protection benefits, establishing and maintaining a social protection registry, undertaking civic education on social protection, periodically undertaking indexation of social assistance benefits in collaboration with the National Treasury and undertaking resource mobilisation for social protection benefits.</p>	<p>Child Welfare Society of Kenya.</p>
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CONCLUSION

CWSK reiterates the sentiments herein that rights of children are distinct and belonging to a special category of vulnerable persons and enshrined in the Constitution of Kenya, Article 53. Further, The Children Act espouses the same rights and safeguards, allowing this category of persons to be uniquely recognized by regional and international legal instruments without grouping them while providing service.

Yours faithfully,

Irene Mureithi

CEO/MANAGING TRUSTEE

MEMORANDUM

THE SOCIAL PROTECTION BILL 2025

TARGETED SECTION	BEFORE PROPOSED AMENDMENT	AFTER THE PROPOSED AMENDMENT	REASONING
Amendment of section 10 to introduce Subsection 10(1)(e)(v)	No provision for the same.	One person nominated by the most representative of an organization whose area of operation is among the marginalized communities.	Social protection initiatives seek to support vulnerable groups. Marginalized communities present one of the least represented and the most disadvantaged groups. Article 260(e) defines them to include pastoral persons, indigenous communities, small population and traditional communities. Representation of these groups at the national board will ensure that social protection initiatives are canvassed from the standpoint of vulnerable persons.
Amendment of Subsection 11(2)(c) to reduce the	"A person qualifies to be appointed as a member of the board if the person has at	"A person qualifies to be appointed as a member of the board if the person has at least 7 years'	The said section is indirectly discriminatory against the youth. Article 260 of the Constitution defines a youth to include a person between 18 - 35 years. The education system leading to the issuance of a

KENYA DISABILITY PARLIAMENTARY ASSOCIATION

experience required to 7 years.	least 10 years' experience in the social protection"	experience in the social protection'	degree as required by the board is such that the degree is conferred at 23 years for someone who didn't repeat or defer any module. A 10 years' experience in social protection means that a youth must have been employed immediately after graduation which does not reflect the status of unemployment in Kenya thus discriminatory. Youth as caregivers or representatives of vulnerable groups should be indirectly accommodated by the board by reducing the experiencing required.
Amendment of Subsection 31(5)	"The board shall convey its decision to the applicant in writing."	The board shall convey its decision to the applicant in writing, within 90 days after the assessment has been done.	It is important that clear timelines are provided to achieve the objectives of this Act lest we process assessments indefinitely
Amendment of section 2 to introduce definitions for	No provision	'Systems that adapt to cope with large-scale occurrences affecting many people	There are occurrences that risk being left out in social protection, as lack of definition may create loopholes for narrow definitions.

<p>'Shock responsive social protection' to define what constitutes a shock under the Bill</p>		<p>simultaneously, such as natural hazards, economic crises, pandemics, conflict including cattle raids leading to vulnerability, and forced displacement.</p>	<p>However, regulations to be made by the Board should ensure cooperation between the scheme established by this Act and other agencies to ensure that disasters that requires Climate Change Fund response are dealt with by other agencies.</p>
<p>Amendment of Section 32(3) on the constitution of a Committee to Review Board Decision</p>		<p>The membership of the established committee should comprise at least half of the members who didn't participate in the decision to be reviewed.</p>	<p>This will enhance independence of the review committee and reduce chances of bias.</p>

Presented by:

**Hon Tim Wanyonyi
Chairperson,
Kenya Disability Parliamentary Association**

Memorandum on Social protection Bill 2025

This memorandum has been drafted and submitted by a coalition of United Nations Development Programs(UNDP), Organizations of persons with Disabilities and civil society organizations (CSOs) who are committed to inclusive policy making, gender-responsive policies, and equitable economic opportunities across multiple sectors. The coalition brings together organizations working on women’s rights, social justice and protection, disability advocacy, unpaid essential care work, youth empowerment, business development, civic-tech, cleanTech, climate change, health, and governance, among other areas. Our engagement spans various sectors, reflecting our commitment to equity, sustainability, and socio-economic development.

As regards Social Protection and more specifically about the Social Protection Bill 2024, the Budget Policy Statement (BPS) should prioritize the enactment of the Social Protection Bill, 2024 (SP Bill, 2024). The proposed bill Provides a comprehensive legal framework for social assistance, income security, and shock-responsive interventions; enacts Article 10(2b), Article 43, Article 54 (1- b), A- persons with disabilities; 57 d, older members of society to receive reasonable care and assistance from their family and the state, Article 27(4) 27(6), of the Constitution. More importantly, it addresses gaps in the existing social protection framework. The SP Bill2024 addresses gaps in the existing social protection framework, enhances inclusivity, governance, and funding, and integrates shock-responsive mechanisms to cushion vulnerable populations.

Article in the bill	Issue	Recommendation	Justification
Clause 1 - Definitions	No definition of Marginalized groups	Add “include the definition of marginalized groups as outlined	Marginalized groups Article 260 of the constitution

Article in the bill	Issue	Recommendation	Justification
	<p>Definition of Caregivers i(i) Unpaid/Family/Community or Informal Caregiver</p> <p>(ii) Formal Caregiver</p>	<p>within the constitution of Kenya Article 260</p> <p>Unpaid caregivers” Unpaid/Informal/Family or Community Caregiver: A person who gives care to a member of the family or Community, (a care-receiver), who needs help taking care of themselves. Sometimes they are called Family or Community Caregivers. This situation poses a huge socio-economic, emotional, and psychosocial burden on the unpaid Caregiver since they are not paid or compensated in any way for providing the service. That burden is most of the time not acknowledged by the society and due to gender roles, more often</p>	

Article in the bill	Issue	Recommendation	Justification
		<p>than not the unpaid caregivers are women and girls. The care receiver, who most of the time is suffering from Non-Communicable Diseases (NCDs), deteriorating conditions or disability depends fully or almost fully on the Unpaid Caregiver.</p> <p>Formal Caregiver - This is a person who has been employed formally by a family or institution to provide care for a person who needs care because of disability, health challenges, age or other related deteriorating conditions. The support is usually required for a long period and continuously e.g. from six months up to a lifetime. In this case, the caregiver has been trained for this role and</p>	

Article in the bill	Issue	Recommendation	Justification
	Institutional Care leavers	<p>earns from it. The caregiver in this case is paid for their work.</p> <p>Add “unpaid caregivers”</p> <p>Add “ institutional care leavers”</p> <p>Care-leavers are generally recognized as young people who leave an institutional care setting without a stable family which exposes them to vulnerability.</p>	<p><i>These are children who grow in children's homes who are beyond the age of 17 years. Majority are expected to leave children homes and have no idea where they need to go</i></p>
Clause 2 Interpretation	No Definition of the word Persons with Disabilities	Define the word Persons with disabilities from the Constitution of Kenya Article 260	This is to have inclusive definition from the Legal Framework of Social protection Act
Clause 2 on Interpretation	SHA (social health Authority) and SHIF (Social	Insert the following definitions:	Ensures consistent terminology and anchors

Article in the bill	Issue	Recommendation	Justification
	Health Insurance Fund) not included in the interpretation of the Bill	<p>“Social Health Authority” means the Authority established under section 4 of the Social Health Insurance Act, 2023, and mandated to regulate, supervise and coordinate the administration of social health insurance in Kenya.</p> <p>“Social Health Insurance Fund” means the Fund established under section 9 of the Social Health Insurance Act, 2023, for the purpose of providing financial protection against health-related risks for all persons resident in Kenya</p>	SHA/SHIF into the legal framework of social protection
Clause on Objective of the Bill -Part 1 (3)	Objects of the Bill lack specific reference to empowerment of women and marginalized groups.	Add an objective <i>“To promote gender equality and empower women, vulnerable and marginalized groups through</i>	It shall recognize the systemic inequalities that women, vulnerable and marginalized groups face including the role

Article in the bill	Issue	Recommendation	Justification
	No recognition of unpaid care work or socio-economic marginalization	<p><i>inclusive and targeted social protection measures.</i>"</p> <p>Add: 'To recognize, redistribute, and reduce unpaid care and domestic work.'</p>	of caregivers who majorly engage in unpaid care work.
Clause on Guiding Principles-Part 1 (5)	<p>The guiding principles do not include gender responsiveness</p> <p>Excludes informal and caregivers and intersectionality</p>	<p>Add a principle stating "<i>Social protection shall be gender responsive, promoting equal access, participation, needs and benefits for all genders.</i>"</p> <p>Include: 'Recognition of unpaid care work and inclusion of marginalized groups.'</p>	Tackles systemic inequalities such as unequal access to resources, unpaid care burdens, special needs among persons with disabilities & orphaned children and gender pay gaps
Clause 6: The Role of County Governments	The use of the word "may" in defining the roles of the county government on social protection seems is ambiguous and leaves chances for the Act not be effectively implemented	Change the word "may" to "shall"	The use of the word may is ambiguous, using the word shall will ensure the county government is compelled on its roles.

Article in the bill	Issue	Recommendation	Justification
<p>Clause on the roles of National Government</p> <p>County Government - Part 1 (6)</p>	<p>The roles of National government have not been provided</p>	<p>The roles of the National Government include:</p> <p>The national government shall—</p> <p>(a) develop laws and policies on the protection and promotion of the welfare of all;</p> <p>(b) provide facilities and infrastructure for the training of professionals in the rehabilitation and provision of care;</p> <p>(c) allocate adequate resources to programmes specifically targeting social protection interventions;</p> <p>(d) allocate adequate resources for training of both paid and unpaid (family) caregivers and social workers in the social protection interventions;</p>	<p>Kenya has created the functions of both the national and county governments that needs to be outlined clearly in law to enhance coordination, reporting and tracking progress.</p>

Article in the bill	Issue	Recommendation	Justification
	of gender advocacy groups or women's organizations in consultations.	<p><i>focused civil society organizations</i>".</p> <p><i>Add (f) unpaid family caregivers</i> Introduce equivalency pathways recognizing lived experience and informal expertise.</p>	<p>children related needs.</p> <ul style="list-style-type: none"> • The Principal Secretary State Department of Gender will serve as consultative stakeholder in implementation. • The Principal Secretary State Department of children services will serve as consultative stakeholder in implementation. <p>They will bring lived experiences to the table</p>
Clause 11- Qualification of the board Members	<p>Eligibility Criteria</p> <p>Degree and 10+ years' experience excludes marginalized persons</p>	<p>Degree and 10+ years' experience excludes marginalized persons</p> <p>Excludes representatives from care and disability sectors</p>	<p>Introduce equivalency pathways recognizing lived experience and informal expertise.</p> <p>Parents and caregivers in</p>

Article in the bill	Issue	Recommendation	Justification
			<p>social protection bring in lived experience and expertise that can inform the board on policy and programme implementation; by indicating degree and 10+ years experience, we exclude this experts</p> <p>Ensure representation of OPDs, care advocates, and youth-led organizations.</p>
<p>Clause 13 (1) (c) (iii) (vi)</p> <p>Clause 13 (c) (iv) Vacancy</p>	<p>Framing of language that has a potential for discrimination by saying that the office of Chairperson or member of the board shall become vacant if the person is incapacitated by prolonged physical or mental illness.</p>	<p>Retain iii which has disability neutral language that reads, is otherwise unable or unfit to discharge the functions of the office. Delete vi</p>	<p>The phrase 'to vacate office because one is incapacitated by prolonged physical or mental illness' can be considered biased as it frames these impairments and or/disability as a reason for termination, potentially implying a negative view of disability. It's more neutral and respectful to use language that</p>

Article in the bill	Issue	Recommendation	Justification
			<p>focuses on the specific inability to perform the job's essential functions, while also acknowledging the need for reasonable accommodations</p>
<p>Clause 18 mandate</p>		<p>Add to the mandate</p> <ul style="list-style-type: none"> - Protect and promote the rights and interests of vulnerable groups including the older members of society ty and popularize online and offline socio-economic opportunities for guardians, and caregivers of beneficiaries of social protection 	<p>To mitigate abuse, taking advantage and killings of older members of society</p> <p>The Board is appropriately placed to advise and implement socio-economic policies and strategies towards enhancing socio-economic empowerment of caregivers and guardians of beneficiaries of social protection</p>

Article in the bill	Issue	Recommendation	Justification
<p>Clause on Administration of Social Protection - Part 28 (3)</p>	<p>Fails to include persons in humanitarian crisis, unpaid/family caregivers and persons affected by impact of climate change (Floods, drought)</p>	<p>Add to the lists</p> <p>(e) person affected by climate change (floods, drought etc)</p> <p>(f) person in humanitarian crisis</p> <p>(g) <i>victims of gender based violence</i></p> <p>(h) Unpaid/family Caregivers</p> <p>i) Care Leavers</p> <p>j) and any other group</p>	<p>Most parts of Northern Kenya are characterized by extreme weather conditions resulting in prolonged drought, impact of floods and climate change. There is a need for the bill to incorporate their needs.</p> <p>Non-Communicable diseases are on the increase- including but not limited to cancer, kidney failures and cardiovascular diseases- majority of those who ail from these are cared of at home by family members, mainly women and girls who have to bear the heavy burden of nursing these people at a huge socio-economic cost on themselves- the burden includes but is not limited to purchasing diapers, drugs, mobility devices etc.</p>

Article in the bill	Issue	Recommendation	Justification
			Care-leavers are generally recognized as young people who leave an institutional care setting without a stable family which exposes them to vulnerability.
Clause on Social Protection Benefits- Part III -29 (b)	<p>Lacks dedicated programs such as for women in informal labour, female headed households and victims of gender based violence</p> <p>Lacks the issue of an accommodative and flexi working environment for family caregivers- so that it may be possible for them to take 'caregiving leave' and also have flexi working environment.</p> <p>Lacks anything that is</p>	<p>Add "<i>women in informal labor, female headed households and survivors of gender based violence</i>" to the list.</p> <p>Add 'caregiving leave (just the way we have maternity/paternity leave) for primary family caregivers whenever there is need.'</p> <p>Add ' free and/or subsidised</p>	<p>Widening the scope will address women's unique needs.</p> <p>One of the biggest challenges for employed primary family caregivers is the need to take their care-receivers to hospital frequently. There is a need to accommodate this need in the human resource policies. We know of some primary caregivers who have lost their jobs because of rigid HR policies, yet, as a caregiver, one spends a big portion of</p>

Article in the bill	Issue	Recommendation	Justification
	<p>medical/health-related: majority of unpaid caregivers spend most of their finances in medical health-related issues- including regular check ups, purchasing drugs, including essential drugs and purchasing supportive devices</p> <p>lacks a specific framework or programme for community-based elderly care, including support for informal caregivers.</p>	<p>medical care for care-receivers and primary unpaid caregivers.</p> <p>Add 'free essential drugs' and 'free/subsidized cost of diapers and assistive devices.'</p> <p>insert a new provision to mandate the Board to develop and fund community-based elderly care programmes, including training, home-based services, and caregiver support.</p> <p>Add psychosocial support for caregivers as well.</p> <p>Protect the socio-economic opportunities for the caregivers as well.</p>	<p>their income on the care-receiver, that is when one needs their job the most.</p> <p>Older persons face growing care needs, yet most rely on family caregivers who receive no formal support. Community-based care promotes aging in place, protects dignity, and builds a care economy. It also reduces elder neglect and pressure on institutional care.</p>
Not in the social protection Bill 2025	Provision of social health protection- Lacks the	the National Government, in collaboration with relevant State	This was proposed and included to the Social

Article in the bill	Issue	Recommendation	Justification
	<p>provision of social health protection under section</p>	<p>and non-state actors, shall-</p> <p>(a) support the implementation of universal health care pursuant to the National Social Health Insurance Act;</p> <p>(b) expand health insurance coverage and health service provision to poor and vulnerable groups, informal and rural workers;</p> <p>(c) develop strategies to ensure increased coverage among formal sector workers;</p> <p>(d) develop measures to strengthen the response to healthcare crises and future pandemics;</p> <p>(e) support the development of a mechanism to facilitate a post retirement medical insurance</p>	<p>Protection Bill 2024</p> <p>There is need to have cohesion and leverage to avoid duplication of roles and</p>

Article in the bill	Issue	Recommendation	Justification
		<p>scheme for employees;</p> <p>(f) facilitate and enhance the portability of social health protection benefits;</p> <p>(g) support the development and implementation of mechanisms to extend social health insurance for migrant Kenyan workers;</p> <p>(h) introduce a maternity benefit to cushion mothers from maternity- or pregnancy-related income loss, with a particular focus on informal economy workers;</p> <p>(i) enhance and utilize gender and age disaggregated integrated systems including the Single Registry to inform the support of provision of Social Health Protection interventions; and put in place any other measures and introduce any interventions and</p>	

Article in the bill	Issue	Recommendation	Justification
		<p>programme for the provision of social health protection.</p> <p>Subsidised Medical products and Insurance Supports: Include provisions to subsidise and fully cover health insurance premiums, medicines, for vulnerable groups by providing it within the Inua Jamii social protection framework. This includes caregivers or persons with disabilities, domestic workers, and individuals in the informal sector. Establish a special fund or subsidy scheme to offer medical waivers for essential health services with priority for households providing long term care or affected by disability</p>	
Clause on Eligibility for Social Protection-Part III-30	Eligibility is broadly defined without acknowledging gender specific	Add “ <i>Eligible persons shall include single parents, unpaid family caregivers, widowed</i>	It will promote equity and fairness

Article in the bill	Issue	Recommendation	Justification
	<p>vulnerabilities</p> <p>Has omitted the Caregivers and informal workers omitted</p>	<p><i>persons and survivors of gender-based violence among other vulnerable groups</i></p> <p>Add <i>“include unpaid caregivers and informal sector workers”</i></p>	<p>Add caregiver stipends and reintegration support</p>
	<p>The bill rightly provides for Social Protection for the older persons. However, subjecting the to poverty/means testing is just inclusion of a bureaucratic criteria that will lead to exclusion of majority of them</p>	<p>Amend Clause 30 to introduce a guaranteed, universal cash transfer for all Kenyan citizens aged 60 and above, regardless of economic status.</p>	<p>A nation that cannot take care of its elderly has failed its most basic test of dignity and social justice. A universal pension guarantees that all older persons, regardless of wealth, geography, or status, can age with dignity. This will eliminate any exclusion errors common in means-testing especially for rural elders and women, who often lack formal documentation or income history. It also simplifies programme implementation and reflects regional best practices, as seen in Lesotho,</p>

Article in the bill	Issue	Recommendation	Justification
			Botswana, and Mauritius. In Botswana and Lesotho any person over the age of 70+ gets Appx ksh 5,000 per person. - So it is doable in Kenya
Clause on Social Protection Registry- Part III-40(f)	There's no requirement for gender-disaggregated data collection	Add a provision " <i>All monitoring and evaluation frameworks shall include gender-disaggregated data and conduct impact assessments on gender inclusivity.</i> "	It identifies gender gaps and inequalities
Clause on Social Protection Fund and Regulations- Part V-48(2)	There's no reference to gender responsive budgeting No earmarking for unpaid care or inclusion programs	Add a provision " <i>The fund shall allocate a minimum percentage of its budget annually to programs addressing the specific needs of women and gender minorities.</i> " Add " <i>Create dedicated funds for caregivers and marginalized groups.</i> "	It will address gender specific vulnerabilities
Cross-cutting	Private Sector Involvement	Include a clause encouraging private sector compliance with	

Article in the bill	Issue	Recommendation	Justification
	No obligation or incentive for private sector participation	inclusive social protection standards, tax incentives for hiring caregivers and persons with disabilities, and partnership in the delivery of care infrastructure.	Incentivize private sector adoption of inclusive social protection practices, and formalize collaboration with UNDP, UNICEF, and ILO in care infrastructure and policy development.
	Engagement of Private Sector and UN Agency	Limited integration of private and development partners in implementation	
	Inclusive Labour Practices Insufficient incentives or mandates for employers to adopt care-sensitive practices	Encourage public and private employers to adopt inclusive labour standards such as reasonable accommodation, care leave, and workplace flexibility especially for caregivers and persons with disabilities.	
Add a new clause to ensure accessibility of information and communication for persons with disability	The Bill does not provide for the provision of information to persons with disability	Accessible Information and Communication: Ensure that all public information and delivery systems related to social	This will ensure inclusion in access of information to persons with disabilities regarding social protection.

Article in the bill	Issue	Recommendation	Justification
		<p>protection are fully accessible. This includes the use of sign language interpretation, Braille materials, captioning, screen-reader friendly formats, and simplified language. The Social Protection Registry and Grievance Mechanisms must be designed with accessibility in mind, ensuring that persons with disabilities and caregivers can engage meaningfully with these platforms.</p>	

Conclusion

The Social Protection Bill, 2025 is a critical step toward a more inclusive and resilient Kenya. We encourage Parliament to amend the Bill to remove systemic barriers and embed principles of equity, care, and dignity. UNDP Kenya and CSOs stand ready to support technical implementation, monitoring, and further consultation with stakeholders to realize these objectives.

In addition to previous recommendations, the Bill should explicitly define and support unpaid care work through a comprehensive framework that includes flexible work policies, recognition of diverse caregiver roles, and engagement of private sector and UN actors in implementation. The following additional elements are recommended:

1. Flexible Work Hours and Remote Work Options for Caregivers: Public and private employers should be encouraged to adopt flexible working arrangements including remote work, adjusted schedules, and paid care leave to support employees providing care to children, persons with disabilities, older persons, or those with chronic illnesses.
2. Definition of Caregivers: Include a legal definition in the interpretation section of the Bill: 'Caregivers' refers to individuals who provide ongoing assistance with daily living activities or emotional support to a dependent individual, including parents or guardians of children with disabilities, domestic workers, and family members caring for the elderly or persons with chronic conditions. Both paid and unpaid caregiving roles should be recognized.
3. Private Sector and Development Partner Involvement: Encourage private companies to adopt and report on inclusive social protection practices, offer caregiver support programs, and collaborate on care-related infrastructure. Provide tax incentives or corporate social responsibility (CSR) credits for companies implementing inclusive policies. UN agencies such as UNDP, UNICEF, and ILO can serve as technical partners to co-develop frameworks, pilot programs, and share global best practices with government counterparts.
4. Accessible Information and Communication: Ensure that all public information and delivery systems related to social protection are fully accessible. This includes the use of sign language interpretation, Braille materials, captioning, screen-reader friendly formats, and simplified language. The Social Protection Registry and Grievance Mechanisms must be designed with accessibility in mind, ensuring that persons with disabilities and caregivers can engage meaningfully with these platforms.

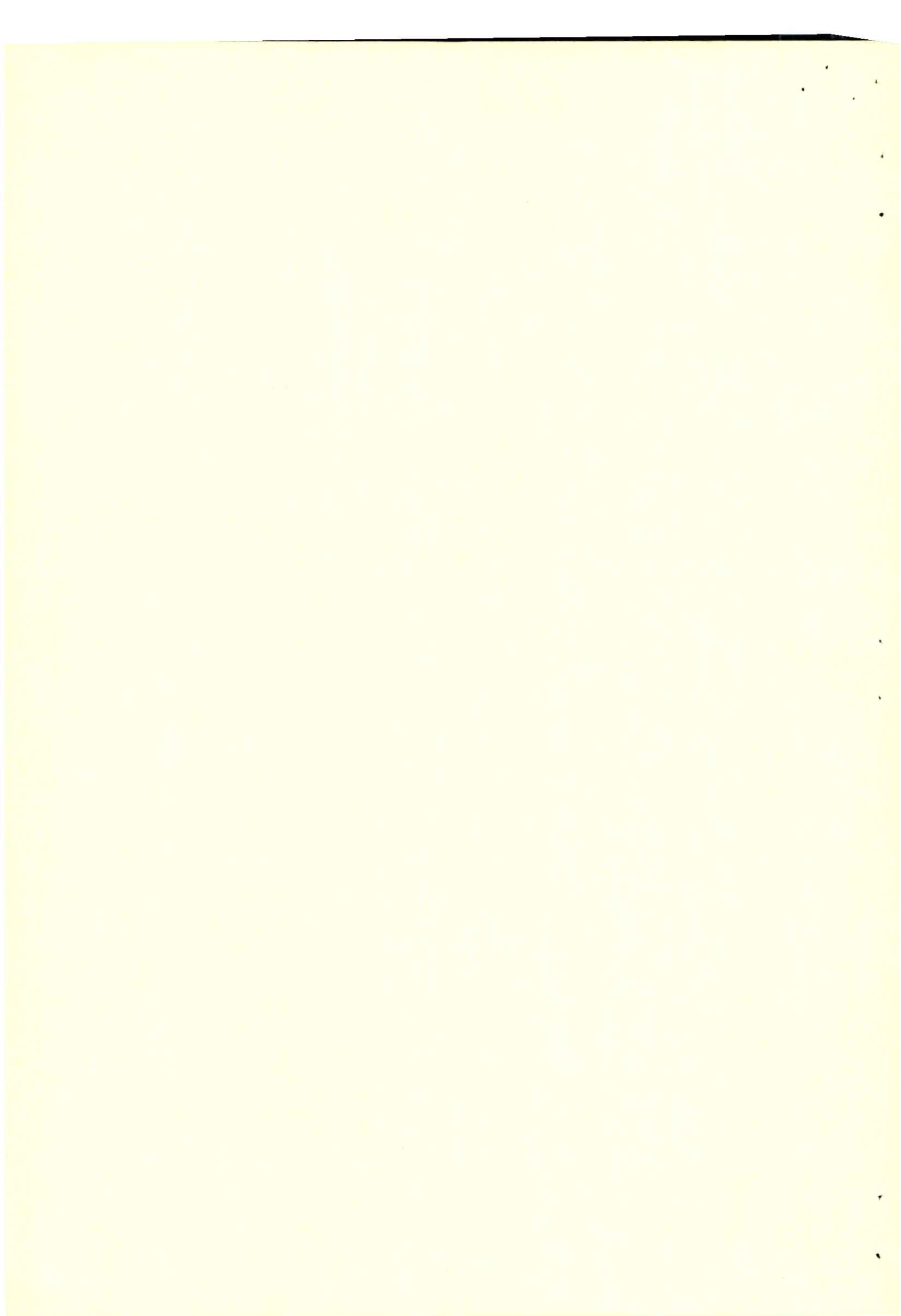
5. Medical Waivers and Insurance Support: Include provisions to subsidize or fully cover health insurance premiums for vulnerable groups under the social protection framework. This includes caregivers of persons with disabilities, domestic workers, and individuals in the informal sector. Establish a special fund or subsidy scheme to offer medical waivers for essential health services, with priority for households providing long-term care or affected by disability.

CSO/WRGs who shared their contribution to the review of the Social Protection Bill

No	Name	Organization	Email
1	Violet Mbiti	Bajeti Hub	violet.mbiti@gmail.com
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4	Rosemary Juma	KEWOPA	rosemary.juma@kewopa.org
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15	Vexinah Muindi		vexmuindi@gmail.com
16	Seline Achieng'	Kenya Network of Women and Girls with Disabilities	advocacynetworkkenya@gmail.com

ANNEXURE :





THIRTEENTH PARLIAMENT- FOURTH SESSION (2025) 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 SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2025)

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 Standing Order 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS the Social Protection Bill (National Assembly Bill No. 12 of 2025) was read a First Time on 2nd April 2025 and referred to the Departmental Committee on Social Protection for consideration and reporting to the House;

IT IS NOTIFIED that the Social Protection Bill (National Assembly Bill No. 12 of 2025) is a Bill sponsored by the **Leader of the Majority Party** that seeks to provide a framework for the administration of non-contributory social protection interventions and to establish the National Board for Social Protection. The Bill further contains provisions that seek to—

- (a) cushion all persons against risks and contingencies through their life cycles;
- (b) build human capital capabilities and resilience and promote the well-being of all persons;
- (c) stipulate the functions of the National Board for Social Protection to include to designing, implementing, monitoring and evaluating social protection interventions and programmes and providing social assistance and social care to vulnerable persons;
- (d) provide for social assistance benefits, including cash transfers and transfers in kind; and social care services such as feeding programmes and programmes aimed at promoting skills, knowledge and qualifications of a person, among others; and
- (e) define the criteria for eligibility for social protection and prescribe the manner of applying for social protection benefits.

NOW THEREFORE, in compliance with Article 118(1) (b) of the Constitution and Standing Order 127(3) the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bill to the **Departmental Committee on Social Protection**.

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

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842- 00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Buildings, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Tuesday, 22nd April 2025 at 5.00 p.m.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
17th April 2025

"For the Welfare of Society and the Just Government"



THE NATIONAL ASSEMBLY
13TH PARLIAMENT – FOURTH SESSION – 2025
DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

REPORT ADOPTION SCHEDULE

ADOPTION OF REPORT ON: *THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2025)*

Date: *22ND APRIL 2025*

NO.	NAME	SIGNATURE
1	Hon. Alice Wambui Ngángá, CBS, MP Chairperson	
2	Hon. Hilary Kiplangat Kosgei, MP Vice-Chairperson	<i>Hilary Kiplangat Kosgei</i>
3	Hon. Faith Wairimu Gitau, MP	
4	Hon. Owen Baya Yaa, MP	<i>Owen Baya Yaa</i>
5	Hon. Edith Nyenze, MP	<i>Edith Nyenze</i>
6	Hon. Timothy Wanyonyi Wetangula, MP	<i>Timothy Wanyonyi Wetangula</i>
7	Hon. Samuel Moroto, MP	<i>Samuel Moroto</i>
8	Hon. Paul Abuor, MP	<i>Paul Abuor</i>
9	Hon. James Onyango Oyoo, MP	<i>James Onyango Oyoo</i>
10	Hon. Susan Nduyo, MP	
11	Hon. Agnes Mantaine Pareyio, MP	
12	Hon. Hussein Abdi Barre, MP	<i>Hussein Abdi Barre</i>
13	Hon. Amina Dika, MP	
14	Hon. Zamzam Mohamed Chimba, MP	
15	Hon. Linet Chepkorir, MP	



THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT-FOURTH SESSION-2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON SOCIAL PROTECTION

**MINUTES OF THE 27TH SITTING OF THE DEPARTMENTAL
COMMITTEE ON SOCIAL PROTECTION HELD ON **TUESDAY 22ND**
**APRIL, 2025 IN BUNGE TOWER, 3RD FLOOR, COMMITTEE ROOM
20 AT 2.00PM****

PRESENT

1. **Hon. Hilary Kiplang'at Koskei, M.P** - Vice Chairperson
2. Hon. Owen Baya Yaa, CBS, M.P
3. Hon. Wetangula Timothy Wanyonyi, CBS, M.P
4. Hon. Samuel Moroto, CBS, MP
5. Hon. Edith Nyenze, M.P
6. Hon. Paul Abuor, M.P
7. Hon. James Onyango Oyoo, MP
8. Hon. Hussein Abdi Barre, MP

APOLOGIES

- 1 **Hon. Alice Wambui Ng'ang'a, CBS, M.P.** - Chairperson
- 2 Hon. Faith Wairimu Gitau, M.P
- 3 Hon. Agnes Pareyio, M.P
- 4 Hon. Amina Abdullahi Dika, M.P
- 5 Hon. Zamzam Mohamed Chimba, M.P
- 6 Hon. Susan Ngugi, M.P
- 7 Hon. Linet Chepkorir, M.P

COMMITTEE SECRETARIAT

- | | |
|-------------------------|---------------------------------------|
| 1. Mr. Finlay Muriuki | - Committee Lead Clerk |
| 2. Mr. Ahmednoor Hassan | - Clerk Assistant III |
| 3. Ms. Grace Maneno | - Research Officer III |
| 4. Ms. Naomi Onsomu | - Public Relations Officer |
| 5. Ms. Cosmas Akhonya | - Audio Officer |
| 6. Ms. Judy Losuron | - Intern, Social Protection Committee |

AGENDA

1. Prayers
2. Preliminaries/Introductions
 - a. Adoption of the Agenda
 - b. Remarks by the Chairperson.
3. Confirmation of Minutes/ Matters Arising
4. **Consideration and Adoption of the Report on The Social Protection Bill (National Assembly Bill No. 12 of 2025)**
5. Adjournment /Date of the Next Meeting

MIN. NO. NA/DC-SP/2025/I 50: PRAYERS/PRELIMINARIES

The Chairperson called the meeting to order with a word of prayer at 2.05p.m.

MIN. NO. NA/DC-SP/2025/I 51: ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Hon. Paul Abuor, M.P. and seconded by Hon. Hussein Barre, M.P.

MIN. NO. NA/DC-SP/2025/I 52: CONFIRMATION OF MINUTES

The Agenda was deferred.

MIN. NO. NA/DC-SP/2025/I 53: CONSIDERATION AND ADOPTION OF THE REPORT ON THE SOCIAL PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 12 OF 2025)

The Committee considered the draft Report on the Social Protection Bill (National Assembly Bil No. 12 of 2025) and adopted it having made the following observations:

1. There was need to amend the Bill to specifically incorporate children's welfare under the newly-created State Department for Children Welfare Services under the Ministry of Labour and Social Protection.
2. The social protection system in Kenya concentrates mainly on a few vulnerable groups at the expense of the others. For instance, the *Inua Jamii* programme deals with the elderly above 70 years, receiving the highest allocation in the social welfare sector. The other vulnerable groups such as the children and youth are severely underfunded.
3. The current cash transfer programme, *Inua Jamii*, is plagued by weak data management systems and undefined criteria for registration of beneficiaries. This leads to fraud and corruption thereby jeopardising the efforts of the government in providing social protection services as mandated by the Constitution.
4. There is lack of awareness on the social protection programmes that are in place. There is no proper branding of the programmes leading to negative public perception. The public is unaware of the operations of the current programmes thereby leading to low uptake.
5. There is need to ensure that the work of the proposed National Board for Social Protection does not impede on or interfere with the work and mandate of other Ministries or line Directorates and Agencies within the Ministry of Labour and Social Protection, and does not attempt to subjugate these Ministries, Departments, Directorates and Agencies to itself.
6. There is lack of linkages between social protection programmes and other services. The success of social protection programmes, as seen in the comparative study to other countries such as Peru, relies on the interconnection with programmes such as nutrition, domiciled in other ministries such as the Ministry of Health, in order to achieve maximum impacts.
7. The definition of the term care-givers as used in the Bill is sufficient and there is no need to redefine the term.
8. The usage of the word "persons with disabilities" in clause 28 is clear and does not warrant any specific definition.
9. The provision of social assistance is a national government function for which the Bill has established the National Board for Social Protection as the national government organ that shall be responsible for provision of social assistance.
10. The membership of the National Board for Social Protection is aligned with Mwongozo guidelines which is a maximum of nine Members. The Principal

Secretary responsible for social protection is responsible for provision of social protection to all persons in need including orphans and vulnerable children.

11. The qualifications for appointment as a Board Member seek to mirror with the criteria prescribed by the Mwongozo guidelines. The Cabinet Secretary is also obligated to ensure compliance with the national values and principles of governance which includes non-discrimination and protection of the marginalized in appointing the Members of the Board.
12. In respect of occurrence of a vacancy in the Board, incapacitation by prolonged physical or mental illness may be a ground for removal from office.
13. The Bill provides a framework for the administration of non-contributory social protection interventions; to establish the National Board for Social Protection and for connected purposes. The use of the word “interventions” is broad and includes provision of various social protection benefits.
14. The definition of the terms complementary programme, social care services and vulnerable child apply in respect of the role of the Board to provide social care services and complementary programmes to persons in need.
15. The definition of the term social protection already includes shocks responsive social protection.
16. There is need to obligate the county governments to perform their respective roles as espoused in clause 6.
17. Clause 6 of the Bill provides for the role of the county governments in implementing national government policies on social protection.
18. The Bill establishes a Board rather than an Authority to take over the functions of the Directorate of Social Assistance and the National Social Protection Secretariat.
19. The objects of the Bill are to cushion all persons against risks and contingencies throughout their life cycles including women and marginalized groups.
20. Clause 8 of the Bill mandates the Board to provide social assistance and social care to vulnerable persons which include provision of respite care services.
21. There exists no conflict of roles in the functions of the Board as clause 8 provides that the Board shall be responsible for advising the Cabinet Secretary on policy and providing and coordinating social protection interventions.
22. Clause 11 of the Bill applies relevancy on the experience required for one to be appointed as a Member rather than the academic qualifications.
23. There is need to define the timelines within which the Board should process an application for social protection.
24. Clause 29(b) on social protection benefits is drafted to allow reference to other social care services in addition to the ones enumerated in the Bill.

25. Clause 28(2) of the Bill allows the Cabinet Secretary in consultation with the Board to determine other categories of persons who may be in need of social assistance.
26. The Social Health Insurance Act provides for matters of provision of social health insurance.
27. Clause 30 of the Bill prescribes the criteria for eligibility for social protection and includes where a person complies with any requirements or conditions prescribed by the Cabinet Secretary in regulations including income thresholds, means testing, age limits, health status, disabilities and care dependency.
28. The Board is mandated to ensure continuous collection and disaggregation of data, undertake civic education on social protection and promote a community of practice of social as a knowledge-sharing platform.
29. Additionally, the Bill confers power to the Board to cooperate and collaborate with other public and private entities in the enforcement of the Act.
30. Appeals against the decision of the Board should first be with the Board in terms of seeking a review of its decision and then the High Court as already provided for in the Bill. Clause 33 of the Bill provides for the review and appeal mechanisms against the decision of the Board.
31. The term of imprisonment defined in clause 44 is commensurate to the prescribed fine in respect of the offence of divulging information relating to a beneficiary.
32. Clause 47 provides for the establishment of a Social Protection Fund to facilitate the implementation of the Act including provision of social protection assistance to all persons in need.

The Committee made the following recommendations with regard to amendments to the Bill:

Amendment	Rationale/ Justification of the Amendment
<p>Clause 3</p> <p>THAT the Bill be amended by deleting clause 3 and substituting therefor with the following-</p> <p>3. The objects of this Act are to-</p> <p>a) cushion persons in need against risks and contingencies;</p> <p>b) build human capital capabilities and</p>	<p>Article 43(3) of the Constitution mandates the State to provide appropriate social security to persons who are unable to support themselves and their dependents. It is not financially tenable to cushion all persons against risks and contingencies as currently provided in the Bill.</p>

<p>resilience of persons in need; and c) promote the well-being of persons in need.</p>	
<p>Clause 6 THAT clause 6 of the Bill be amended by deleting the word “may” appearing immediately after the words “county government” and substituting therefor the word ‘shall’.</p>	<p>Replacement of the word ‘may’ with ‘shall’ will obligate county governments to implement national government policies on social protection through county-specific legislations and strategies, as opposed to making it optional as currently provided in the Bill.</p>
<p>Clause 10 THAT clause 10 of the Bill be amended by-</p> <p>a) adding the following paragraph immediately after paragraph (b)- (c) the Principal Secretary for the time being responsible for matters relating to children or their representative designated in writing;</p> <p>b) in paragraph (e) by deleting the word “four” appearing before the word “persons” and substituting therefor the word “three”.</p> <p>c) by deleting paragraph (e)(i).</p>	<p>The inclusion of the Principal Secretary dealing with children matters in the Board is critical in ensuring that this vulnerable yet populous proportion of the citizenry is accorded due regard and consideration.</p> <p>The reduction of one nominee among those appointed by the Cabinet Secretary is in ensuring that the total number of Board members does not exceed nine pursuant to the Mwongozo Code of Governance.</p>
<p>Clause 11 THAT clause 11 of the Bill be amended by-</p> <p>a) in sub-clause 1(c) by deleting the word “fifteen” appearing immediately after the words “at least” and substituting therefor the word “ten”.</p> <p>b) in sub-clause 1(d) by deleting the word “ten” appearing immediately</p>	<p>This amendment is meant to ensure that deserving but marginalized persons are not disadvantaged by extensive experience requirements.</p>

<p>after the words “at least” and substituting therefor the word “seven”.</p> <p>c) in sub-clause 2(c) by deleting the word “ten” appearing immediately after the words “at least” and substituting therefor the word “seven”.</p>	
<p>Clause 28</p> <p>THAT clause 28 of the Bill be amended in sub-clause 3 by inserting the following paragraph immediately after paragraph (e)-</p> <p>(f) unpaid caregivers</p>	<p>Most caregivers who give care to children, persons with disabilities and other vulnerable persons have no source of income since they are engaged with the vulnerable care-receivers typically on a daily-basis, and as such, are deserving of social protection interventions.</p>
<p>Clause 29</p> <p>THAT clause 29 of the Bill be amended in sub-clause (b) by-</p> <p>a) inserting the following paragraphs immediately after paragraph (vii)-(viii) provision of essential drugs, personal care goods and assistive devices</p> <p>b) renumbering paragraph (viii) as (ix)</p>	<p>This amendment is meant to ensure that the needs of persons with disabilities such as autism, albinism, and other disabilities, as well as other vulnerable persons, access free or subsidized essential drugs, personal care goods such as diapers, and various assistive devices as a means to mitigating their varied circumstances.</p>
<p>Clause 31</p> <p>THAT clause 31 of the Bill be amended in sub-clause (5) by inserting the words “within sixty days of receiving an application” immediately after the words “in writing”.</p>	<p>This amendment is meant to compel the Board to respond to a social protection applicant within a set timeline of 30 days. Currently, there is not timeline set in the Bill.</p>
<p>Clause 33</p> <p>THAT clause 33 of the Bill be amended by inserting the words “in the first optional instance, to the Cabinet Secretary, or ” immediately after the</p>	<p>This amendment is meant to accord social protection applicants who may wish to appeal the Board’s decision rejecting their application opportunity to approach the Cabinet Secretary, as</p>

words “may appeal”.	an optional appeal avenue, or appeal directly to the High Court. An applicant who appeals to the Cabinet Secretary responsible for social protection will be at liberty to further appeal to the High Court if the applicant so wishes.
<p>New Clause 57</p> <p>THAT the Bill be amended by adding New Clause 57 immediately after Clause 56-</p> <p>57 Nothing in this Act accords the Board power or authority to undertake statutory or routine tasks and responsibilities that are under the mandate of other Ministries, Departments, Directorates, State Corporations, Trusts or Agencies of government.</p>	This amendment seeks to ensure that the statutory mandate of exiting Ministries, Departments, Directorates, State Corporations, Trusts or other Agencies of the government are not interfered with, subjugated or affected by operations of the National Board for Social Protection.

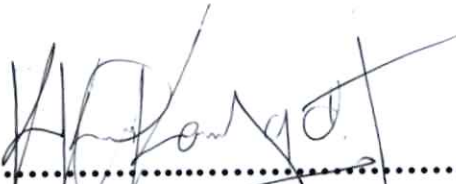
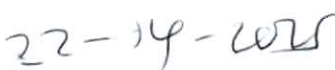
Pursuant to Standing Order 127, the Committee adopted the Report and recommended that the Social Protection Bill (National Assembly Bill No. 12 of 2025) proceeds for Second Reading subject to the aforementioned amendments.

MIN. NO. NA/DC-SP/2025/154: ANY OTHER BUSINESS

No additional business was proposed.

MIN. NO. NA/DC-SP/2025/155: ADJOURNMENT/ DATE OF THE NEXT MEETING

The meeting was adjourned at 2.45p.m. The next meeting will be held on notice.

Signed.......... Date..........

HON. HILARY K. KOSGEI, M.P.

(Vice Chairperson)



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When replying, please quote:

REF: NA/DDC/SP/CORR/2025/019

11th April 2025

**Mr. Joseph Mogosi Motari, CBS
Principal Secretary**

State Department for Social Protection and Senior Citizens Affairs
Ministry of Labour and Social Protection
Social Security House, Bishops Road
NAIROBI

Dear *Mr. Motari*,

**RE: INVITATION TO SUBMIT MEMORANDUM ON THE SOCIAL
PROTECTION BILL, 2025**

The Departmental Committee on Social Protection is established under National Assembly Standing Order 216 which mandates it to amongst others "*study and review all legislation referred to it*".

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The Bill, which is sponsored by the Leader of the Majority Party in the National Assembly, primarily seeks to provide a framework for the administration of non-contributory social protection interventions, to establish the National Board for Social Protection and to provide for various logistical and administrative arrangements towards these objectives.

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In this regard therefore, the Departmental Committee on Social Protection wishes to invite you to make your submissions on the said Bill (*a copy of which is enclosed herewith*) on **Thursday, 17th April 2025 in Bunge Tower, 5th Floor, Committee Room 26 at 12.00noon.**

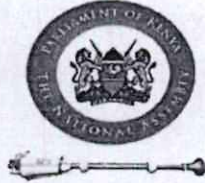
The officers handling this activity are **Mr. Finlay Muriuki** (Committee Clerk) who may be contacted on tel. no. **0722 687468** or email: finlay.muriuki@parliament.go.ke and **Mr. Ahmednoor Hassan** (Assistant Committee Clerk), tel. no. **0748 993663** or email: ahmednoor.hassan@parliament.go.ke.

Yours



JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Dr. Alfred Mutua, EGH**
Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
Bishops Road
NAIROBI



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REF: NA/DDC/SP/CORR/2025/017

11th April 2025

Ms. Alice Mwangi

Chairperson

Kenya National Association of Social Workers
P.O. Box 74223-00200

NAIROBI

Dear *Ms Mwangi*

**RE: INVITATION TO SUBMIT MEMORANDUM ON THE SOCIAL
PROTECTION BILL, 2025**

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For: CLERK OF THE NATIONAL ASSEMBLY



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11th April 2025

Mr. Joseph Mogosi Motari, CBS

Principal Secretary

State Department for Social Protection and Senior Citizens Affairs

Ministry of Labour and Social Protection

Social Security House, Bishops Road

NAIROBI

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Cabinet Secretary
Ministry of Labour and Social Protection
Social Security House
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When replying, please quote:

REF: NA/DDC/SP/CORR/2025/016

11th April 2025

**Ms. Phyllis Muraguri
President**

Association of Social Work Educators in Kenya
P.O. Box 16499-00100
NAIROBI

Dear *Ms Muraguri:*

**RE: INVITATION TO SUBMIT MEMORANDUM ON THE SOCIAL
PROTECTION BILL, 2025**

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REF: NA/DDC/SP/CORR/2025/015

11th April 2025

Dr. Rashid Draman
Executive Director
African Centre for Parliamentary Affairs
P.O. Box Private Bag
NAIROBI

Dear *Dr. Draman*

**RE: INVITATION TO SUBMIT MEMORANDUM ON THE SOCIAL
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REF: NA/DDC/SP/CORR/2025/018

11th April 2025

**Ms. Nancy Cheruto
Secretary**

Kenya Institute of Social Work and Community Development
Southern House, 2nd Floor, off Moi Avenue
P.O. Box 57961, 00200

NAIROBI

Dear *Ms Cheruto*

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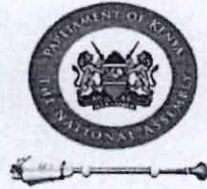
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JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copy to: **Dr. Caroline Vihenda Ayuya**
Chairperson, Board of Governors
Kenya Institute of Social Work and Community Development
Southern House, 2nd Floor, off Moi Avenue
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Kenya Institute of Social Work and Community Development 
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REPUBLIC OF KENYA

MINISTRY OF LABOUR AND SOCIAL PROTECTION

STATE DEPARTMENT FOR SOCIAL PROTECTION & SENIOR CITIZEN AFFAIRS

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

A. INTRODUCTION

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

B. COMMENTS ON THE BILL

S/No.	Provision in the Bill	Justification/Comments
1.	Clause 1 on the Short title: Social Protection Bill	This Bill seeks to address existing gaps in the social protection sector; make provision for non-contributory social protection, mitigate economic and social vulnerabilities to poverty, risks, contingencies, and shocks experienced throughout the life cycle of a person.
2.	Clause 2 on interpretation	It provides definitions for key terms and phrases as used in the Bill. The definitions in this Bill are in line with the Kenya Social Protection Policy 2023, and as used in the social protection sector.
3.	Clause 3 on Objects of the Act	The goal is to target all vulnerable persons in Kenya. The social protection benefits are as stipulated under Clause 29.

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

	the Board, Staff of the Board, Delegation of Powers of the Board Seal of the Board, Protection from Personal Liability, Funds of the Board, Financial Year, Annual Estimates Cap. 412A , Books of Account and Annual Reports).	
10	Clause 28 on Provision of Social Protection to persons in need	Provision of social protection to persons in need shall include orphans or vulnerable children, poor older members of society, persons with disabilities, persons in extreme poverty, and persons affected by shocks. In addition, Clause 28 further allows the Cabinet Secretary, in consultation with the Board, to determine other categories of persons in need through a notice published in the Gazette.
11	Clause 29 on Social Protection Benefits	The Clause expounds on the various types of non-contributory benefits.
12	Clause 30 on Eligibility on Social Protection	Non-contributory social protection is a preserve for Kenyan citizens, with the exception of emergencies where the State has a duty to protect those in emergency situations as per International law.
13	Clause 31 on Application for Social Protection	This Clause allows any person to apply to the Board for a social protection benefit. It is important to note that social assistance benefits provided for or implemented by the Directorate of Social Assistance within the State Department for Social Protection and Senior Citizen Affairs immediately before the commencement of this Act shall continue to be provided or implemented by the Board.

14	Clause 32-33: (Review of the Decisions of the Board, Appeals)	These Clauses provide redress mechanisms for aggrieved persons.
15	Clause 34: on Rights and Obligations of a Beneficiary	<p>This Clause is in line with the Bill of Rights under the Constitution of Kenya and the Data Protection Act (Cap 411C) Laws of Kenya, that safeguards the rights of beneficiaries on access to information, informed consent, and to be treated with dignity.</p> <p>Under Clause 34(2), beneficiaries have a duty to utilize social protection benefits responsibly and to disclose accurate information to the Board.</p>
16	Clause 35: Abuse of Social Protection Benefits	This Clause safeguards against the abuse of social protection benefits and further stipulates penalties for any person convicted.
17	Clause 36: Termination of Social Protection Benefits	This Clause outlines the modalities for the termination of social protection benefits under different conditions.
18	Clause 37: Refund to the Board	It makes provision for the procedures to refund or recover social protection benefits erroneously paid to a beneficiary.
19	Clause 38: Review of Social Protection Benefit	<p>This Clause provides modalities for recertification to maintain eligibility for social protection benefit</p> <p>It is to be noted that the rationale for this Clause is that social protection benefits are not a lifetime benefits.</p>
20	Clause 39: Indexation of Social Protection benefits	<p>The Clause seeks to protect the real value of social protection benefits against inflation. Such review is to be undertaken periodically with the concurrence of the National Treasury.</p> <p>Social assistance benefits to beneficiaries are to be paid from public finances. Responsibilities of managing public</p>

		<p>finances lie with the National Treasury as outlined in the Public Finance Management Act (Cap 412A) (PFM Act). Since inflation is dependent on various economic circumstances such as cost of living, revenue collection among other factors, the concurrence of the Cabinet Secretary of the National Treasury and Economic Planning is required to ensure that the prevailing economic circumstances are taken into consideration when enhancing the benefits.</p>
21	Clause 40: Social Protection Registry	<p>Social Protection establishes a database for poor and vulnerable individuals and households and also includes those enrolled in various social protection programmes.</p> <p>This Registry is important for:</p> <ul style="list-style-type: none"> a) effective and efficient non-contributory social protection service delivery; b) promoting linkage of recipients of non-contributory social protection into other complementary services.
22.	Clause 41 Data handling	<p>This Clause ensures the safety and security of data in line with the Data Protection Act (Cap 411C) Laws of Kenya.</p>
23.	Clause 42-46 (Obstruction, Giving false information, Unlawful disclosure of information, Fraud, Misappropriation of funds)	<p>This Clause makes provisions for general offences and penalties.</p>
24	Clause 47 Social Protection Fund	<p>Establishes a Social Protection Fund.</p> <p>It shall consist of grants and donations, such monies as may be appropriated by the National Assembly, income generated from proceeds of the Fund, and any monies accruing to or received by the Fund from any lawful source.</p> <p>The purpose of the Fund shall include:</p>

		<p>a) to provide for the development and promotion of non- contributory social protection in the country;</p> <p>b) to mobilise resources from development partners and other sources for the Fund;</p> <p>c) provide funds for capacity and technical expertise for development and expansion of non-contributory social protection.</p> <p>Since the Fund shall be established under the PFM Act(Cap 412C), it shall be subject to strict oversight and reporting requirements which in turn shall promote accountability and ensure that resources are used for their intended purpose. Being a special-purpose Fund, resources shall be allocated directly to the targeted programmes, and in particular the cash transfer programme, in order to secure the social benefits of persons in need.</p>
25.	Clause 48 Regulations	This Clause empowers the Cabinet Secretary to develop regulations for the implementation of the Act. This is particularly for the provisions that are not self-enforcing.
26.	Clause 49 Repeal of Cap 258A	<p>This Clause repeals the Social Assistance Act (Cap 258A.) The ground for the repeal is as follows:</p> <ol style="list-style-type: none"> i. The Social Assistance Act (Cap 258A) as enacted in 2013 was not aligned to the broad Policy recommendations captured in the Kenya Social Protection Policy, 2011(now reviewed). ii. Establishment of National Government Public Funds should be in accordance with section24(4) of the PFM Act(Cap 412A) which states that the Cabinet Secretary may establish a national government

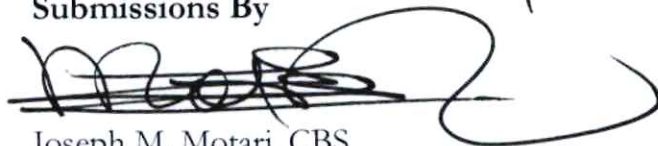
		<p>public fund with the approval of the National Assembly. Evidently therefore, by providing for establishment of a National Social Assistance Fund (section 34 (i)), the Social Assistance Act (Cap 258A) is in conflict with the provision under the PFM Act (Cap 412A), necessitating the need for removal of all provisions relating to the operationalization of the Fund under the Social Assistance Act (sections 17-40 of the said Act) to pave way for establishment of the Social Assistance Fund under the PFM Act.</p> <p>iii. The identification and removal of all provisions relating to establishment of the Social Assistance Fund under the Social Assistance Act (Cap 258A) means that no substantive provisions relating to social assistance or any other related subject matter under the Act would be left in the said Act, hence the rationale to repeal it and enable development of a more comprehensive law in its place.</p>
27.	Clause 50 Transitions of Staff	This Clause makes provision for the transitioning of staff of the National Social Protection Secretariat and the Directorate of Social Assistance, both under the State Department for Social Protection and Senior Citizen Affairs.
28.	Clause 51 Obligations and liabilities	This Clause transits pending obligations and liabilities from the National Social Protection Secretariat and the Directorate of Social Assistance to the Board.

29.	Clause 52 Reference to the Directorate of Social Assistance or the National Social Protection Secretariat	After the commencement of this Act, reference shall be made to the Board since the Directorate of Social Assistance and the National Social Protection Secretariat shall be deemed directorates under the Board.
30.	Clause 53 Vesting of assets	After the commencement of this Act, Assets of the Directorate of Social reference Assistance and the National Social Protection Secretariat shall be deemed assets of the Board.
31.	Clause 54 Legal proceedings	This Clause transits any pending legal proceedings from the Directorate of Social reference Assistance and the National Social Protection Secretariat to the Board.
32.	Clause 55 Directions, orders and authorization	After the commencement of this Act, Directions, Orders, Authorizations, Permits issued or Registrations made by the Directorate of Social Assistance and the National Social Protection Secretariat shall be deemed as Directions, Orders, Authorizations, Permits issued or Registrations of the Board.
33.	Clause 56 Transition of social assistance benefits, programmes and beneficiaries	This Clause makes provision for the transition of social assistance benefits, programs and beneficiaries implemented by the Directorate of Social Assistance to the Board.

C. CONCLUSION

It is our considered view that the proposals are constructive. The State Department for Social Protection and Senior Citizen Affairs raises no objection to the proposals as contained therein.

Submissions By



Joseph M. Motari, CBS

PRINCIPAL SECRETARY