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

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

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**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


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TABLED BY:	Hon. Paul Abur, MP Member, bc on Social Protection		
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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 overarching 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

- I. 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 I 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

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.	<p>Add an objective <i>"To promote gender equality and empower women, vulnerable and marginalized groups through inclusive and targeted social protection measures."</i></p> <p>Add: 'To recognize, redistribute, and reduce unpaid care and domestic work.'</p>
Clause on Guiding Principles-Part I (5)	<p>The guiding principles do not include gender responsiveness</p> <p>Excludes informal 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>
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	<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) develop laws and policies on the protection and promotion of the welfare of all;</p> <p>(c) provide facilities and infrastructure for the training of professionals in the rehabilitation and provision of care;</p> <p>(d) allocate adequate resources to programmes specifically targeting social protection interventions;</p> <p>(e) allocate adequate resources for training of both paid and unpaid (family) caregivers and social workers in the social protection interventions;</p>

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	Add " <i>Principal Secretary State Department for Gender</i> " Include the secretariat of NGEC secretary because social protection falls within the mandate of NGEC Add " <i>Principal secretary state department of children services</i> "
Clause 10 (e) nominations members	Excludes representatives from care and disability sectors Does not mandate inclusion of gender advocacy groups or women's organizations in consultations	Add clause " <i>Stakeholder consultations shall include representatives from gender focused civil society organizations</i> ". 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

Clause Administration of Social Protection - Part 28 (3)	Fails to include persons in humanitarian crisis, unpaid/family caregivers and persons affected by impact of climate change (Floods, drought)	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
Clause Protection 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 flexible 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>
Not in protection Bill 2025	Provision of social health protection- Lacks the provision of social health protection under section	<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. <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 on Social 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	<p>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.</p> <p>There are existing fully fledged government Directorates (Social</p>
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	<p>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.</p> <p>The proposed Board DOES not have the capacity and personnel.</p> <p>The proposed Board, therefore, is duplicating the roles of existing departments contrary to the government's efforts to streamline its operations.</p>
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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”.

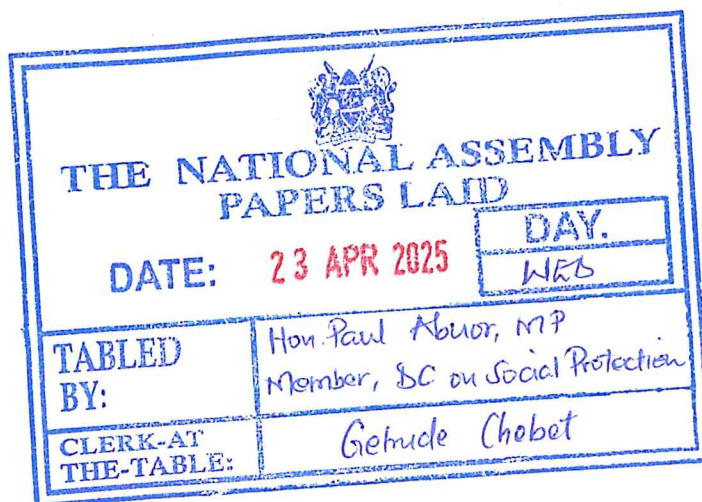
Clause 33

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</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>c) inserting the following paragraphs immediately after paragraph (vii)-</p> <p>(viii) provision of essential drugs, personal care goods and assistive devices</p> <p>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</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 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>

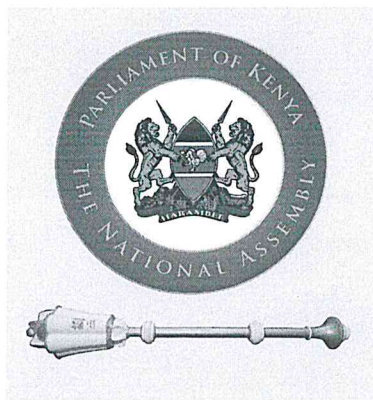
<p>New Clause 57 THAT the Bill be amended by adding New Clause 57 immediately after Clause 56-</p> <p>57 Nothing in this Act accords the Board power or authority to undertake statutory or routine tasks and responsibilities that are under the mandate of other Ministries, Departments, Directorates, State Corporations, Trusts or Agencies of government.</p>	<p>This amendment seeks to ensure that the statutory mandate of 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.</p>
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SIGNED: DATE: 22-04-2025

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

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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	

