

**PARLIAMENT OF KENYA
THE SENATE**

SENATE BILLS DIGEST

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

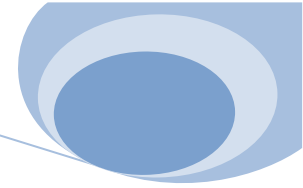
Sponsor:	Senate Majority Leader (<i>National Assembly Bill sponsored by Hon. Kimani Ichung'wa, MP, Leader of Majority in the National Assembly</i>)
Committee referred to:	Standing Committee on Labour and Social Welfare
Type of Bill:	Ordinary Bill
Date of First Reading:	13 th May, 2025

1. Background

Social protection plays a critical role in addressing poverty, vulnerability and social exclusion by providing support to individuals and households facing various risks and contingencies. In Kenya, social protection interventions have been implemented through various programs, including cash transfers for orphans and vulnerable children, older persons and persons with severe disabilities.

The sector has been regulated under the Social Assistance Act, Cap. 258A, but there is a need to review the existing framework to enhance coordination, improve targeting, strengthen governance and ensure the sustainable implementation of social protection interventions in the country.

The Social Protection Bill, 2025 (National Assembly Bills No. 12 of 2025) was passed by the National Assembly on 30th April, 2025 and subsequently transmitted to the Senate. The



Bill was read a First Time in the Senate on 13th May, 2025 and referred to the Senate Standing Committee on Labour and Social Welfare to facilitate public participation.

2. Purpose of the Bill

The Social Protection Bill, 2025 intends to —

- (a) provide a framework for the administration of non-contributory social protection interventions in Kenya;
- (b) establish the National Board for Social Protection;
- (c) create a comprehensive legal framework to guide the implementation of social protection programs that support vulnerable individuals and households;
- (d) cushion persons in need against risks and contingencies;
- (e) build human capital capabilities and resilience of persons in need; and
- (f) promote the well-being of persons in need.

The implementation of the Bill will further be guided by principles including equity, social justice, inclusiveness, non-discrimination, participatory governance, rights-based approach, adequacy, accessibility, sustainability, evidence-based programming and life-cycle approach to social protection.

3. Overview of the Bill

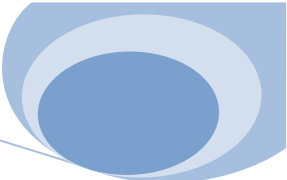
What institutional measures have been put in place to administer the provisions of the Bill?

The Bill establishes the National Board for Social Protection as a body corporate to be the primary institution responsible for coordinating social protection interventions in Kenya. The Board will be the central governance structure for implementing the Act and coordinating non-contributory social protection programs in the country.

What are the functions of the National Board for Social Protection?

Clause 8 of the Bill highlights the functions of the National Board for Social Protection which include, to –

- (a) advise the Cabinet Secretary on social protection matters;

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

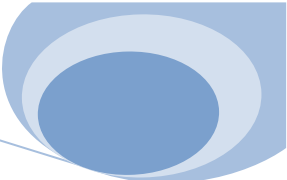
What is the composition of the Board?

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

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

What role do county governments play in social protection under the Bill?

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

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

Who are the eligible beneficiaries of social protection under the Bill?

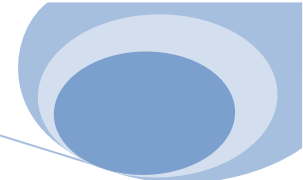
The Bill mandates the Board to provide social protection to persons in need, who include—

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

What types of social protection benefits are provided for under the Bill?

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

1. **Social Assistance** - which includes:
 - cash transfers
 - transfers in kind
2. **Social Care Services** - which includes:
 - rehabilitation services
 - psychosocial support
 - respite care
 - feeding programs
 - home-based care
 - skill-building programs
 - essential drugs and assistive devices



What is the application procedure for social protection benefits?

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

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

How does the Bill address data management for social protection?

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

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

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

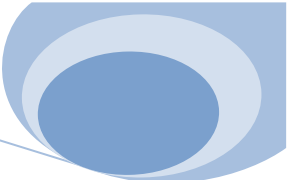
What measures are in place to prevent abuse of social protection benefits?

The Bill addresses potential abuse of social protection benefits by —

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

Are there any offenses in the Bill?

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

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

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

How will the Bill be funded?

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

What transitional provisions are included in the Bill?

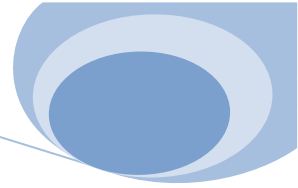
The Bill includes comprehensive transitional provisions to ensure continuity of social protection services which include –

- (a) Repealing the Social Assistance Act (Cap. 258A);
- (b) Providing for the transition of staff, obligations, and liabilities from existing structures;
- (c) Ensuring the continuation of existing social assistance benefits and programs; and
- (d) Providing for the transfer of assets and legal proceedings from previous arrangements to the new framework.

4. Way Forward

What next?

Pursuant to standing order 145(5) of the Senate Standing Orders, the Standing Committee on Labour and Social Welfare shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee submits its report to the Senate.



What is expected of the members of public?

The members of the public are expected to present their views to the Standing Committee on Labour and Social Welfare for its consideration.

Next steps

The Bill was read a First Time in the Senate on 13th May, 2025. Pursuant to standing order 148(1) of the Senate Standing Orders, the Standing Committee on Labour and Social Welfare is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore, by 12th June, 2025.

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: clerk.senate@parliament.go.ke and copied to labourcomm.senate@parliament.go.ke.

Note:

1. The Digest reflects the Bill as published and does not cover any subsequent amendments to the Bill.
2. The Digest does not have any official legal status.