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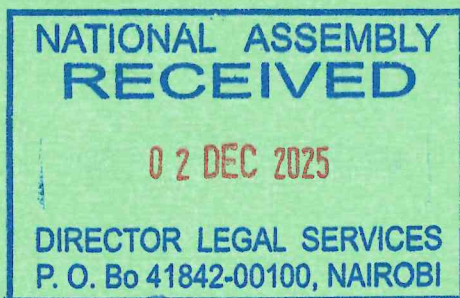
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NATIONAL ASSEMBLY
RECEIVED
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**THE NATIONAL COHESION AND INTEGRATION
(AMENDMENT) BILL, 2025**

A Bill for

An ACT of Parliament to amend the National Cohesion and Integration Act

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the National Cohesion and Integration (Amendment) Act, 2025.

Short title.

2. The National Cohesion and Integration Act (in this Act referred to as the “principal Act”) is amended by deleting the Long Title and substituting therefor the following new Long Title—

Amendment of section 2 of Cap. 7N.

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

3. The principal Act is amended by inserting the following new section immediately after section 2—

Insertion of new section 2A into Cap. 7N.

Objects of Act.

2A. The object of this Act is to—

- (a) give effect to Articles 10 and 27 of the Constitution on the promotion of national unity and non-discrimination;
- (b) provide a framework for the promotion of national cohesion, unity and peace-building;
- (c) provide mechanisms for co-ordination and implementation of interventions aimed at promoting national cohesion and peace-building;
- (d) promote the values and principles of public service set out under Article 232 of the Constitution; and
- (e) advise the government on the matters pertaining to paragraphs (a) to (d).

4. Section 20 of the principal Act is amended by inserting the following new subsection immediately after subsection (2)—

Amendment of section 20 of Cap. 7N.

“(3) A person qualifies for appointment as the Secretary to the Commission if the person —

- (a) is a citizen of Kenya;
- (b) holds a degree from a university recognised in Kenya;
- (c) has at least five years’ experience at management level; and
- (d) meets the requirements of Chapter Six of the Constitution.”

5. The principal Act is amended by inserting the following new sections immediately after section 20 —

Insertion of new section 20A into Cap. 7N.

Removal of the Secretary.

20A. (1) The Secretary may be removed from office by the Commission in accordance with the terms and conditions of service, for—

- (a) inability to perform the functions of the office arising out of physical or mental infirmity;
- (b) gross misconduct or misbehaviour;
- (c) incompetence or neglect of duty;
- (d) violation of the Constitution or any other written law;
- (e) violation of the Code of Conduct prescribed by the Commission; or
- (f) any other grounds specified in the terms and conditions of service.

(2) Before the Secretary is removed under subsection (1) the Secretary shall be given—

- (a) sufficient notice of the allegations made against him or her; and
- (b) an opportunity to be heard on the allegations.

6. The principal Act is amended by inserting the following new sections immediately after section 30—

Insertion of new section 30A into Cap. 7N.

Committees of the Commission.

30A. The Commission may establish committees for the better carrying out of its functions.

Experts.

30B. The Commission may engage the services of such experts in respect of any of its functions in which the experts have special competence.

7. The principal Act is amended by inserting the following new section immediately after section 37—

Insertion of new section 37A into Cap. 7N.

Conflict of interest.

37A. (1) If any person has a personal or fiduciary interest in any matter before the Commission, and is present at a meeting of the Commission or any committee at which that matter is the subject of consideration, that person shall as soon as is practicable after the commencement of the meeting, declare such interest and shall not take part in any consideration or discussion of, or vote on any question touching on such matter.

(2) In the event the person having an interest under subsection (1) is the Chairperson, he or she shall in addition to declaring the interest, recuse themselves from such meeting.

(3) A disclosure of interest made under subsection (1) shall be recorded in the minutes of the meeting at which it is made.

(4) No member or staff of the Commission shall transact any business or trade with the Commission directly or indirectly.

(5) A person who contravenes this section commits an offence and shall be liable, upon conviction, to a fine not exceeding three million shillings or to imprisonment for a term not exceeding seven years or to both.

8. The principal Act is amended by inserting the following new section immediately after section 38 —

Insertion of new section 38A into Cap. 7N.

Financial year.

38A. The financial year of the Commission shall be the period of twelve months ending on the thirtieth of June in each year.

9. The principal Act is amended by inserting the following new section immediately after section 41 —

Insertion of new section 41A into Cap. 7N.

Quarterly reports.

41A. The Commission shall, after every three months, prepare a report which shall be submitted to the National Assembly containing the following information—

- (a) a description of the activities of the Commission;
- (b) other statistical information as the Commission may consider appropriate relating to the functions of the Commission;
- (c) any recommendations made by the Commission to State departments or any person and the action taken;
- (d) the impact of the exercise of any of its functions;
- (e) any impediments to the achievements of the objects and functions under the Constitution, this Act or any other written law; and
- (f) any other information relating to its functions that the Commission considers necessary.

10. The principal Act is amended by inserting the following new section immediately after section 53 —

Insertion of new section 53A into Cap. 7N.

Alternative Dispute Resolution mechanisms.

53A. The Commission may, in managing conflicts and resolving disputes, and where it deems appropriate—

- (a) establish *ad hoc* or standing peace committees comprising

representatives of affected ethnic groups and experts where necessary;

- (b) establish mediation committees; and
- (c) involve traditional justice mechanisms relevant to a particular community, local administration and relevant national and county government agencies.

11. The principal Act is amended by inserting the following new section immediately after section 58—

Insertion of new section 58A into Cap. 7N.

Prohibition notice.

58A. The Commission shall have the power to issue a prohibition notice directing a person or entity involved in an action or conduct contrary to national cohesion, integration and peace building to cease such action or conduct within seven days.

12. The principal Act is amended by inserting the following new section immediately after section 60—

Insertion of new section 60A into Cap. 7N.

Notice of investigation.

60A. Before commencing an investigation under this Act, the Commission shall give notice of the intended investigation to the person or body of persons who is the subject of the investigation.

13. The principal Act is amended in section 61 by inserting the following new subsection immediately after subsection (2)—

Amendment of section 61 of Cap. 7N.

“(3) The hearings of the Commission during an inquiry shall be open to the public except where the Commission for justifiable reasons decides otherwise.”

14. The principal Act is amended by inserting the following new sections immediately after section 61—

Insertion of new sections into Cap. 7N.

Notice if investigation on complaint is discontinued.

61A. If the Commission decides to discontinue the investigation of a complaint,

the Commission shall inform the complainant in writing of that decision and the reasons for that decision within thirty days of making the decision.

Persons likely to be prejudiced or affected to be heard.

61B. If at any stage of an inquiry the Commission—

- (a) considers it necessary to inquire into the conduct of any person; and
- (b) is of the opinion that the reputation of any person is likely to be prejudiced by the inquiry,

it shall give that person an opportunity to appear before the Commission by himself or herself or through an advocate to give evidence in his or her own defence.

15. The principal Act is amended by inserting the following new sections immediately after section 64—

Insertion of new sections into Cap. 7N.

Offences by member of staff.

64A. (1) A member of staff commits an offence if he or she—

- (a) causes anything to be done through another person that would constitute a contravention of the Act if done by him or her; or
- (b) allows or directs a person under their supervision or control to do anything that is in contravention of the Act.

(2) Subsection (1)(b) shall not apply where the thing is done without the member of staff's knowledge or consent or if the member of staff has taken reasonable steps to prevent it.

Reporting improper orders.

64B. (1) If a public officer considers that anything required of them is in contravention of this Act or any other Act or is otherwise improper or unethical, the member or officer may report the matter to the Commission.

(2) The Commission shall investigate the report and take appropriate action within ninety days of receiving the report.

16. The principal Act is amended by inserting the following new section immediately after section 70—

Insertion of new section 70A into Cap. 7N.

General penalty.

70A. A person who commits an offence under this Act for which no penalty is provided is liable, on conviction, to a fine not exceeding one million shillings or to a term of imprisonment not exceeding one year, or to both.

MEMORANDUM OF OBJECTS AND REASONS**Statement of the Objects and Reasons for the Bill**

The principal object of this Bill is to amend the National Cohesion and Integration Act, Cap. 7N to provide for a broader Long Title of the Act; introduce the objects of the Act; introduce qualifications and removal of the Secretary to the Commission; provide for the power of the Commission to establish committees and engage experts; provide for alternative dispute resolution mechanisms; and provide for comprehensive procedures in relation to the conduct of investigations by the Commission.

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

This Bill does not delegate legislative powers and neither does it limit fundamental rights and freedoms.

Statement of how the Bill concerns county governments

The Bill does not concern county governments in terms of Article 109(5) of the Constitution as it does not contain provisions that affect the functions and powers of the county governments as set out in the Fourth Schedule to the Constitution.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 24th September, 2025.

ADAN HAJI YUSSUF,
Chairperson,
Committee on National Cohesion and Equal Opportunity.

Long Title of Cap. 7N which is intended to be amended—

An Act of Parliament to encourage national cohesion and integration by outlawing discrimination on ethnic grounds; to provide for the establishment, powers and functions of the National Cohesion and Integration Commission, and for connected purposes

Section 2 of cap. 7N which is to be amended—

2. Interpretation.

1. This Act may be cited as the National Cohesion and Integration Act, 2008, and shall come into operation on such date as the Minister may, by notice in the Gazette, appoint.

2. In this Act, unless the context otherwise requires—

“Commission” means the National Cohesion and Integration Commission established by section 15;

“commissioner” means a member of the Commission appointed under section 17;

“discrimination” means discrimination as defined under sections 3 and 4 of this Act;

“development issues” includes issues relating to development in socio-cultural, political and economic sectors;

“employment” means a situation where an employee does his work wholly or partly in Kenya, (for a fee or not), for the employer; or where the employee does work for the employer outside Kenya and the employee is ordinarily resident in Kenya, either at the time he applies for the job or at any time during the course of the employment and includes a situation where the employer is working through a representative, assign or where he has sub-contracted the employment;

“establishment” means a place of employment including aboard a ship or aeroplane registered in Kenya but operating internationally;

“ethnic relations” include racial, religious, tribal and cultural interactions between various communities, and the words “ethnic” and “ethnicity” shall be construed accordingly;

“ethnic group” means a group of persons defined by reference to colour, race, religion, or ethnic or national origins, and references to a person’s ethnic group refers to any ethnic group to which the person belongs.

“ethnic grounds” means any of the following grounds, namely colour, race, religion, nationality or ethnic or national origins;

“Secretary” means the secretary to the Commission appointed under section 20;

“financial year” means a period of twelve months ending on the thirtieth June in each year;

“Human Rights Commission” means the Kenya National Commission on Human Rights established under the Kenya National Commission on Human Rights Act, 2002; and

“Minister” means the Minister for the time being responsible for matters relating to justice and human rights.

Section 20 of Cap. 7N which is intended to be amended—

20. Secretary to the Commission

(1) There shall be a Secretary to the Commission who shall be appointed by the Commission upon such terms and conditions as the Commission may determine.

(2) Subject to the general control of the Commission, the Secretary shall—

- (a) be responsible for the administration and day-to-day management of the affairs of the Commission and of the control of the other staff of the Commission; and
- (b) perform such other functions as may be assigned by the Commission.

Section 37 of Cap. 7N which is intended to be amended—

37. Funds of the Commission

The funds of the Commission shall consist of—

- (a) the monies appropriated by Parliament for the purposes of the Commission;
- (b) such monies or assets as may accrue to the Commission in the course of the exercise of its powers or the performance of its functions under this Act;
- (c) all monies from any other source provided for or donated or lent to the Commission.

Section 38 of Cap. 7N which is intended to be amended—

38. Annual Estimates

(1) At least three months before the commencement of each financial year, the Commission shall cause to be prepared estimates of the revenue and expenditure of the Commission for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Commission for the financial year concerned and in particular, shall provide for—

- (a) the payment of the salaries, allowances and other charges in respect of the staff of the Commission;
- (b) the payment of pensions, gratuities and other charges and in respect of benefits which are payable out of the funds of the Commission;
- (c) the maintenance of the buildings and grounds of the Commission;
- (d) the funding of training, research and development activities of the Commission;
- (e) the proper maintenance, repair and replacement of any installation and of the equipment and other movable property Commission;
- (f) the creation of such funds to meet future or contingent liabilities in respect of benefits, insurance or replacement of buildings or installations or equipment and in respect of such other matters as the Commission may think fit.

(3) The annual estimates shall be approved by the Commission before the commencement of the financial year to which they relate, and shall be submitted to the Minister for approval and after the Minister has given approval, the Commission shall not increase any sum provided in the estimates without the written consent of the Minister.

(4) No expenditure shall be incurred for the purposes of the Commission except in accordance with the annual estimates approved under subsection (3), or in pursuance of an authorization of the Commission given with the prior approval of the Minister.

Section 41 of Cap. 7N which is intended to be amended—

41. Annual Reports

41. (1) The Commission shall cause an annual report to be prepared for each financial year.

(2) The Commission shall submit the annual report to the Minister within three months after the end of the year to which it relates.

(3) The annual report shall contain, in respect of the year to which it relates—

- (a) the financial statements of the Commission;

- (b) a description of the activities of the Commission;
- (c) such other statistical information as the Commission considers appropriate relating to complaints to the Commission, investigations by the Commission and reports by the Commission on the results of investigations;
- (d) any other information relating to its functions that the Commission considers necessary.

(4) The Minister shall, within thirty days after receiving the annual report, transmit it to the National Assembly.

(5) The Commission shall cause the annual report to be published in the Gazette and in such other manner as the Commission may determine.

Section 53 of Cap. 7N which is intended to be amended—

53. Where Commission fails to conciliate.

53. (1) If the Commission does not consider it reasonably possible that a complaint may be conciliated successfully, or has attempted unsuccessfully to conciliate the complaint, it shall notify the complainant and the respondent in writing.

(2) Within sixty days after receiving a notice under subsection (1), the complainant, by written notice, may require the Commission to set down the complaint for hearing.

(3) If the complainant does not notify the Commission under subsection (2), the Commission may dismiss the complaint and the complainant may take no further action under this Act in relation to the subject matter of the complaint.

Section 58 of Cap. 7N which is intended to be amended—

58. Enforcement of compliance notices.

58. (1) The Commission may apply to a Magistrates Court for an order requiring a person to furnish any information required by a compliance notice if—

- (a) the person fails to furnish the information to the Commission in accordance with the notice; or
- (b) the Commission has reasonable cause to believe that the person does not intend to furnish the information.

(2) If the Commission considers that a person has not, within three months of the date on which a compliance notice was served on that person, complied with any requirement of the notice for that person to comply with a duty imposed by an order under section 57, the

Commission may apply to a Magistrates Court for an order requiring the person to comply with the requirement of the notice.

(3) If the court is satisfied that the application is well-founded, it may grant the order in the terms applied for or in more limited terms.

Section 60 of Cap. 7N which is intended to be amended—

60. Matters that may be investigated.

60.(1) A matter may be investigated under section 59 (1) or (2) only if—

- (a) it is of such a serious nature that it warrants the investigation;
- (b) it concerns a possible contravention in relation to a class or group of persons; and
- (c) the circumstances are such that the lodging of a complaint by one person only would not be appropriate.

(2) Any matter may be investigated under section 59(3).

Section 61 of Cap. 7N which is intended to be amended—

61. Conduct of investigations

(1) The Commission shall conduct an investigation under this Part in the same manner, as nearly as practicable, as if it were a complaint.

(2) If the Commission, after investigation, is satisfied that a person has contravened a provision of Part III, the Commission shall make all reasonable endeavours to conciliate the matter.

Section 64 of Cap. 7N which is intended to be amended—

64. Offences by body of persons

64. In the case of an offence under this Act committed by a body of persons —

- (a) where the body of persons is a body corporate, every director and officer of that body corporate shall also be deemed to be guilty of that offence; and
- (b) where the body of persons is a firm, every partner of that firm shall also be deemed to be guilty of that offence: Provided that no such person shall be deemed to be guilty of an offence under this Act, if the person proves that the offence was committed without the person's knowledge or that the person exercised all due diligence to prevent the commission of the offence.

Section 70 of Cap. 7N which is intended to be amended—

70. Act binds Government.

This Act binds the Government.

