

*Approved  
SNA  
7/4/26*

**REPUBLIC OF KENYA**

**THE NATIONAL ASSEMBLY  
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026**

**DIRECTORATE OF DEPARTMENTAL COMMITTEES**


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**DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

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**REPORT ON:**

**THE CONSIDERATION OF THE PUBLIC  
PARTICIPATION BILL, 2025  
(NATIONAL ASSEMBLY BILL NO. 44 OF 2025)**

 <b>THE NATIONAL ASSEMBLY PAPERS LAID</b>	
<b>DATE:</b> 07 APR 2026	<b>DAY:</b> Tuesday
<b>TABLED BY:</b>	Hon. George Mungara, MP Chairperson
<b>CLERK-AT THE-TABLE:</b>	A. Ushikiro

**CLERK'S CHAMBERS  
DIRECTORATE OF DEPARTMENTAL COMMITTEES  
PARLIAMENT BUILDINGS  
NAIROBI**



**APRIL 2026**





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Robert N Gakuru & Others v Governor Kiambu County & 3 Others [2014] eKLR

## LIST OF ABBREVIATIONS AND ACRONYMS

CAF	-	County Assemblies Forum
CAJ	-	Commission on Administrative Justice
CBO	-	Community-Based Organization
CBS	-	Chief of the Order of the Burning Spear
CEDGG	-	Centre for Enhancing Democracy and Good Governance
CMD	-	Centre for Multiparty Democracy
COG	-	Council of County Governors
CPGC	-	Coalition for Peace and Gender Champions
CRA	-	Commission on Revenue Allocation
CRBH	-	Coast Regional Budget Hub
CSOs	-	Civil Society Organizations
CSPEN	-	Civil Society Parliamentary Engagement Network
DICEF	-	Digital Civic Empowerment Forum
EAITA	-	East Africa Interpreters and Translators Association
EAWS	-	East African Wildlife Society
EBS	-	Elder of the Order of the Burning Spear
EGH	-	Elder of the Order of the Golden Heart
FORD	-	Forum for the Restoration of Democracy
GBV	-	Gender-Based Violence
HENNET	-	Health NGOs Network
JCJRA	-	Joint Committee of Jericho Resident Associations
K-MARA	-	Kitengela Municipality Alliance of Residents Associations
KBA	-	Kenya Bankers Association
KDCWG	-	Kenya Devolution CSOs Working Group
KELIN	-	Kenya Legal and Ethical Issues Network on HIV and AIDS
KFWG	-	Kenya Forests Working Group
KLRC	-	Kenya Law Reform Commission
KSMBC	-	Kisumu Social Movement and Budget Champions for Muungano wa Wanavijiji
KWF	-	Kenya Wetlands Forum
LSK	-	Law Society of Kenya
MCCP	-	Maendeleo Chap Chap Party
MCK	-	Media Council of Kenya
MP	-	Member of Parliament
NAYA	-	Network for Adolescent and Youth of Africa
NC-POCI	-	Nakuru County Public Opinion Consultative Initiative
NECSA-K	-	National Environment Civil Society Alliance of Kenya
NEC	-	Nairobi Eastern and Central Regional Budget Hub
NGAO	-	National Government Administration Officers
NGEC	-	National Gender and Equality Commission
NGOs	-	Non-Governmental Organizations
ODM	-	Orange Democratic Movement
ODPC	-	Office of the Data Protection Commissioner
OGW	-	Order of the Grand Warrior
PWDs	-	Persons with Disabilities
SC	-	Senior Counsel
SCCSN	-	Siaya County Civil Society Network
TISA	-	The Institute for Social Accountability
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
UNCRC	-	United Nations Convention on the Rights of the Child
UNCRPD	-	United Nations Convention on the Rights of Persons with Disabilities

WDM	-	Wiper Democratic Movement
WIRE	-	Women in Real Estate
WPA-K	-	Women's Political Alliance-Kenya and Coalition of CSOs on Inclusive Governance
WWF	-	World Wildlife Fund
YAA	-	The Youth Agenda and Nairobi Community of Practice

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## **LIST OF ANNEXURES**

Annexure 1: Adoption Schedule

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Annexure 6: Memoranda by Stakeholders

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## CHAIRPERSON'S FOREWORD

This Report contains the proceedings of the Departmental Committee on Justice and Legal Affairs on its consideration of the Public Participation Bill (*National Assembly Bill No. 44 of 2025*). The Bill was read a First Time in the House on 4<sup>th</sup> November 2025 and committed to the Committee to facilitate public participation.

The Bill seeks to provide a framework for facilitating effective public participation by giving effect to the principle of participation of the people enshrined in Articles 1, 10, 35, 69, 118, 174, 184, 196, 201 and 232 of the Constitution. The Bill outlines guiding principles to be adhered to by institutions conducting public participation and further designates the responsible authorities for purposes of the development of specific guidelines for public participation in each public institution.

In compliance with Article 118(b) of the Constitution and Standing Order 127(3), the Committee undertook public participation in three ways: inviting submission of memoranda; holding public hearings and consulting relevant stakeholders and experts.

On 5<sup>th</sup> November 2025, the Committee placed an advertisement in the print media inviting the public to submit memoranda by way of written statements on the Bill. Subsequently, on 2<sup>nd</sup> March 2026, the Committee placed another advertisement inviting the public to attend public hearings and submit memoranda. The memoranda were to be received on or before 28<sup>th</sup> March 2026 at 5.00 pm (East African Time). By the close of the submission deadline, the Committee had received a total of eighty-nine (89) memoranda; seventy-four (74) memoranda on email and fifteen (15) memoranda during the county public hearings.

To this end, therefore, the State Department for Justice, Human Rights and Constitutional Affairs; Kenya Law Reform Commission (KLRC); Commission on Administrative Justice (CAJ); Commission on Revenue Allocation (CRA); National Gender and Equality Commission (NGEC); Office of the Data Protection Commissioner (ODPC); Council of County Governors (COG); County Assemblies Forum (CAF); Law Society of Kenya (LSK); Katiba Institute; CM Advocates LLP; Centre for Multiparty Democracy (CMD); Kenya Bankers Association (KBA); Media Council of Kenya (MCK); East Africa Interpreters and Translators Association (EAITA); Women in Real Estate (WIRE); Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN); Kenya Devolution CSOs Working Group (KDCWG); the East African Wildlife Society (EAWS) in partnership with the World Wildlife Fund (WWF) and conservation stakeholders including the Kenya Wetlands Forum (KWF), Kenya Forests Working Group (KFWG) and the National Environment Civil Society Alliance of Kenya (NECSA-K) {EAWS and other conservation stakeholders hereinafter}; Coast Regional Budget Hub (CRBH); Siaya County Civil Society Network (SCCSN); The Institute for Social Accountability (TISA); Nairobi Eastern and Central Regional Budget Hub (NEC Hub); Joint Committee of Jericho Resident Associations (JCJRA); Kitengela Municipality Alliance of Residents Associations (K-MARA); Oxygène; WeCare Youth Organization; Women's Political Alliance-Kenya and Coalition of CSOs on Inclusive Governance (WPA-K); Civil Society Parliamentary Engagement Network (CSPEN); Yellow Rose Kenya Limited; The Youth Agenda and Nairobi Community of Practice (YAA); Umuuzi Foundation; The Economic and Social Rights Centre (Haki Jamii); PAWA Initiative; All Saints' Cathedral Church; Bajeti Hub; DICEF; Health NGOs Network (HENNET); Mau Mau Children Post Colonial Elites; Network for Adolescent and Youth of Africa (NAYA); Coalition for Peace and Gender Champions (CPGC); Maslahi ya Jamii CBO; Bunge Mashinani Initiative; Mtoto News International; Umoja Ebenezer CBO; Kisii CSOs Network; Kisumu Social Movement and Budget Champions for Muungano wa Wanavijiji (KSMBC); Vihiga CSOs Network; Vihiga Right to Food Ambassadors; Centre for Enhancing Democracy and Good Governance (CEDGG); Nakuru County Public Opinion Consultative Initiative (NC-POCI); Rev. Simion Kipkoge; Said Kassim; Patrick Ang'asa; Jimson Mwikamba; Ndata Julius; Emily J. Ngwiri; Mukami Gichane; Jane Mukami; Eric Alividza; Petterson Kitoo; Daniel Muchai Karigi; Mogire Michaels; Stacy Konyino; Benard Siloma; James Mritu; Teresia Karanja; Ndiritu Hannah Wangui; Jones Kyalo Kisese;

Nasambu Flavia; Benson Caxton Magero; Nderitu Nduba; Alex Kibunja Wanjiku; Boniface Odhiambo Oking'; Jaine Kalibo; Nicolette Kurwa; Albert Wanjeri; Christine Lorna Abwanji; MK Mbugua; Kelvin Saitoti; Rosemary Karanja; Edwin Otieno Owino; Catherine Waithera; Aisha Kibwana; Fredrick Bundi Kirianki; Njeri Wamwea; Hilaria Mluli Farrar; Akiolo; a young Kenyan legal professional and advocate for civic participation; and other members of the public gave their views on the Bill which the Committee considered in the preparation of this Report and are contained in Chapter Three of this Report.

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Furthermore, vide letter referenced *NA/DDC/JLAC/2026/30* dated 17<sup>th</sup> March 2026 invited key stakeholders to submit views on the Bill and attend a public participation forum on Friday 27<sup>th</sup> March 2026 at 2.00pm at the Mini Chamber, 1<sup>st</sup> Floor, County Hall, Parliament Buildings.

In addition, the Committee conducted a public hearings' exercise from Monday 23<sup>rd</sup> March to Saturday 29<sup>th</sup> March 2026 across the country in twenty-four (24) counties, namely, Mombasa, Kwale, Kilifi, Tana River, Isiolo, Meru, Embu, Machakos, Makueni, Nyeri, Kiambu, Uasin Gishu, Laikipia, Nakuru, Kajiado, Kericho, Kakamega, Vihiga, Bungoma, Busia, Kisumu, Kisii, Nyamira and Nairobi. The Committee considered the views received which are contained in Chapter Four of this Report.

While considering the Bill, the Committee observed that public participation is an indispensable element of democracy that binds all State organs, State officers, public officers and all persons making and implementing public policy decisions. Therefore, the Bill seeks to put in place a framework for the conduct of public participation by codifying the standards and guidelines necessary for effective and meaningful public participation.

The Committee is grateful to the Offices of the Speaker and Clerk of the National Assembly for the logistical and technical support accorded to it during its consideration of the Bill.

The Committee further wishes to thank all stakeholders and members of the public who submitted their views on the Bill.

Finally, I wish to express my appreciation to the Honourable Members of the Committee and the Committee Secretariat who sat for long hours and made useful contributions towards the preparation and production of this Report.

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On behalf of the Departmental Committee on Justice and Legal Affairs and pursuant to the 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 Public Participation Bill (*National Assembly Bill No. 44 of 2025*).

It is my pleasure to report that the Committee has considered the Public Participation Bill (*National Assembly Bill No. 44 of 2025*) and has the honour to report back to the National Assembly with the recommendation that the **House approves the Bill with amendments**.

**Hon. Murugara George Gitonga, MP**   
**Chairman, Departmental Committee on Justice and Legal Affairs**

## CHAPTER ONE

### I PREFACE

#### I.1 Establishment of the Committee

1. The Departmental Committee on Justice and Legal Affairs is one of twenty departmental committees of the National Assembly established under **Standing Order 216** whose mandate pursuant to the **Standing Order 216 (5)** is as follows:
  - (a) *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;*
  - (b) *To study the programme and policy objectives of ministries and departments and the effectiveness of the implementation;*
  - (c) *To, on a quarterly basis, monitor and report on the implementation of the national budget in respect of its mandate;*
  - (d) *To study and review all legislation referred to it;***
  - (e) *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;*
  - (f) *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;*
  - (g) *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);*
  - (h) *To examine treaties, agreements and conventions;*
  - (i) *To make reports and recommendations to the House as often as possible, including recommendations of proposed legislation;*
  - (j) *To consider reports of Commissions and Independent Offices submitted to the House pursuant to the provisions of Article 254 of the Constitution; and*
  - (k) *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 of the Standing Orders, the Committee is mandated to consider:
  - a) The Judiciary;
  - b) Tribunals;
  - c) Access to Justice;
  - d) Public prosecutions;
  - e) Ethics, Integrity and Anti-corruption;
  - f) Correctional services;
  - g) Community service orders and witness protection;
  - h) Constitutional Affairs;
  - i) Sovereign immunity;
  - j) Elections including referenda;
  - k) Human rights;
  - l) Political parties; and
  - m) The State Law Office including insolvency, law reform, public trusteeship, marriages and legal education.
3. In executing its mandate, the Committee oversees the following Ministries, Departments and Agencies:

- a) The Judiciary;
  - b) Judicial Service Commission;
  - c) State Department for Correctional Services;
  - d) State Law Office and Department of Justice;
  - e) State Department for Justice, Human Rights and Constitutional Affairs;
  - f) Office of the Director of Public Prosecutions;
  - g) ~~Ethics and Anti-Corruption Commission;~~
  - h) Independent Electoral and Boundaries Commission;
  - i) Commission on Administrative Justice;
  - j) Office of the Registrar of Political Parties;
  - k) Witness Protection Agency;
  - l) Kenya National Commission on Human Rights;
  - m) Kenya Law Reform Commission; and
  - n) Council of Legal Education.
-

### 1.3 Committee Membership

4. The Committee comprises the following Members:

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#### **Chairperson**

Hon. Murugara George Gitonga, CBS, MP  
Tharaka Constituency  
**UDA Party**

#### **Vice-Chairperson**

Hon. Mutuse Eckomas Mwengi, OGW, MP  
Kibwezi West Constituency  
**MCCP Party**

Hon. Gladys Boss, MGH, MP  
Uasin Gishu Constituency  
**UDA Party**

Hon. Maalim Farah, EGH, MP  
Dadaab Constituency  
**WDM-Kenya**

Hon. Onyiego Silvanus Osoro, CBS, MP  
South Mugirango Constituency  
**UDA Party**

Hon. Francis Kajwang' Tom Joseph, CBS, MP  
Ruaraka Constituency  
**ODM Party**

Hon. Wetang'ula Timothy Wanyoyi, CBS, MP  
Westlands Constituency  
**ODM Party**

Hon. (Dr.) Otiende Amollo, SC, EBS, MP  
Rarieda Constituency  
**ODM Party**

Hon. Muchira Michael Mwangi, MP  
OI Jorok Constituency  
**UDA Party**

Hon. Aden Daud, EBS, MP  
Wajir East Constituency  
**Jubilee Party**

Hon. Makali John Okwisia, MP  
Kanduyi Constituency  
**FORD-Kenya**

Hon. Mogaka Stephen M., MP  
West Mugirango Constituency  
**Jubilee Party**

Hon. Timothy Kipchumba Toroitich, MP  
Marakwet West Constituency  
**Independent**

Hon. Harold Kimuge Kipchumba, MP  
Nominated Member  
**ODM Party**

Hon. CPA Suleka Hulbale Harun, MP  
Nominated Member  
**UDM Party**

#### 1.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

Mr. Ahmed Salim Abdalla  
**Clerk Assistant I / Head of Secretariat**

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Mr. Ronald Walala  
**Principal Legal Counsel**

Mr. Abdikafar Abdi  
**Clerk Assistant III**

Mr. Samuel Wanjiru  
**Clerk Assistant III**

Mr. Omar Abdirahim  
**Fiscal Analyst I**

Mr. Isaac Nabiswa  
**Legal Counsel II**

Ms. Vivienne Ogega  
**Research Officer III**

Mr. John Nduaci  
**Serjeant-At-Arms**

Ms. Rahab Chepkilin  
**Audio Officer III**

Ms. Mary Kamande  
**Public Communications Officer III**

Mr. Calvin Karung'o  
**Media Relations Officer III**

## CHAPTER TWO

### 2 OVERVIEW OF THE PUBLIC PARTICIPATION BILL (NATIONAL ASSEMBLY BILL NO. 44 OF 2025)

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#### 2.1 Background

6. The Bill, co-sponsored by the Hon. (Dr.) Otiende Amollo, SC, EBS, CBS, MP and the Hon. Samuel Chepkonga, CBS, MP, was read a First Time in the House on 4<sup>th</sup> November 2025 (*Annexure 3*). It was thereafter committed to the Committee in line with Standing Order 127(I) of the National Assembly Standing Orders.

#### 2.2 Summary of Legal Provisions

7. The Bill seeks to provide a framework for facilitating effective public participation by giving effect to the principle of participation of the people as enshrined in Articles 1, 10, 35, 69, 118, 174, 184, 196, 201 and 232 of the Constitution.
8. In particular:
  - (a) **Part I** of the Bill provides for preliminary provisions including the definition of public participation, the objects of the Act, the application of the Act and the principles of public participation.
  - (b) **Part II** of the Bill provides for the responsible authorities who are the persons responsible for public participation in public entities.
  - (c) **Part III** of the Bill sets out the general guidelines for public participation which include requirement of notification, modes of notification, modes of submitting views, processing of views, access to public participation process and documentation and conduct of the public in a public participation forum.
  - (d) **Part IV** of the Bill provides for specific guidelines for public participation where a responsible authority may develop and publish specific guidelines for the conduct of public participation which should comply with the general guidelines.
  - (e) **Part V** of the Bill provides for miscellaneous provisions such as non-disclosure of certain information when undertaking public participation; the offence of failing to adhere to the principles and guidelines in undertaking public participation and transitional provision to cater for public participation exercise that is in progress.

## CHAPTER THREE

### 3 PUBLIC PARTICIPATION AND STAKEHOLDER ENGAGEMENT ON THE BILL

#### 3.1 Legal Framework on Public Participation

9. Article 118 (1)(b) of the Constitution provides that:

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

10. The National Assembly Standing Order 127 (3) and (3A) stipulates that:

*“(3) The Departmental Committee to which a Bill is committed shall facilitate public participation on the Bill through an appropriate mechanism including-*

- (a) inviting submission of memoranda;*
- (b) holding public hearings;*
- (c) consulting relevant stakeholders in a sector; and*
- (d) consulting experts on technical subjects.*

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

#### 3.2 Modes of Public Participation

11. In accordance with the aforementioned provisions of the law, the Committee undertook public participation in three ways: inviting submission of memoranda; holding public hearings; and consulting stakeholders and experts in the governance and justice sector.

##### 3.2.1 Memoranda Received on the Bill

12. Vide advertisements in the print media on 5<sup>th</sup> November 2025 and 2<sup>nd</sup> March 2026 (*Annexure 4*), the Committee invited the public to submit memoranda by way of written statements on the Bill. The written submissions were to be submitted to the Clerk of the National Assembly through:

- (a) postal mail on P.O Box 41841-00100, Nairobi;
- (b) electronic mail ([cna@parliament.go.ke](mailto:cna@parliament.go.ke)); and
- (c) hand delivery to Main Parliament Buildings, Nairobi or the 290 Constituency Offices for Members of the National Assembly or the 47 County Women Representative Offices for Members of the National Assembly.

13. To this end, the Committee received seventy-four (74) memoranda from the State Department for Justice, Human Rights and Constitutional Affairs; Kenya Law Reform Commission (KLRC); Commission on Administrative Justice (CAJ); Commission on Revenue Allocation (CRA); National Gender and Equality Commission (NGEC); Office of the Data Protection Commissioner (ODPC); Council of County Governors (COG); County Assemblies Forum (CAF); Law Society of Kenya (LSK); Katiba Institute; CM Advocates LLP; Centre for Multiparty Democracy (CMD); Kenya Bankers Association (KBA); Media Council of Kenya (MCK); East Africa Interpreters and Translators Association (EAITA); Women in Real Estate (WIRE); Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN); Kenya Devolution CSOs Working Group (KDCWG); the East African Wildlife Society (EAWS) in partnership with the World Wildlife Fund (WWF) and conservation stakeholders including the Kenya Wetlands Forum (KWF), Kenya Forests Working Group (KFWG) and the National Environment Civil Society Alliance of Kenya (NECSA-K) {EAWS and other conservation stakeholders hereinafter}; Coast Regional Budget Hub (CRBH); Siaya County Civil Society Network

(SCCSN); The Institute for Social Accountability (TISA); Nairobi Eastern and Central Regional Budget Hub (NEC Hub); Joint Committee of Jericho Resident Associations (JCJRA); Kitengela Municipality Alliance of Residents Associations (K-MARA); Oxygène; WeCare Youth Organization; Women's Political Alliance-Kenya and Coalition of CSOs on Inclusive Governance (WPA-K); Civil Society Parliamentary Engagement Network (CSPEN); Yellow Rose Kenya Limited; The Youth Agenda and Nairobi Community of Practice (YAA); Uamuzi Foundation; The Economic and Social Rights Centre (Haki Jamii); PAWA Initiative; All Saints' Cathedral Church; Bajeti Hub; DICEF; Health NGOs Network (HENNET); Patrick Ang'asa; Jimson Mwikamba; Ndata Julius; Emily J. Ngwiri; Mukami Gichane; Jane Mukami; Eric Alividza; Petterson Kitoo; Daniel Muchai Karigi; Mogire Michaels; Stacy Konyino; Benard Siloma; James Mritu; Teresia Karanja; Ndiritu Hannah Wangui; Jones Kyalo Kisese; Nasambu Flavia; Benson Caxton Magero; Nderitu Nduba; Alex Kibunja Wanjiku; Boniface Odhiambo Oking'; Jaine Kalibo; Nicolette Kurwa; Albert Wanjeri; Christine Lorna Abwanji; MK Mbugua; Kelvin Saitoti; Rosemary Karanja; Edwin Otieno Owino; Catherine Waithera; Aisha Kibwana; Fredrick Bundi Kirianki; Njeri Wamwea; Akiolo; and a young Kenyan legal professional and advocate for civic participation. The memoranda are annexed to this Report as *Annexure 6*.

### **3.2.2 Public Hearings on the Bill**

14. Vide an advertisement in the print media on Monday 2<sup>nd</sup> March 2026, the Committee invited the public to attend public hearings from Monday 23<sup>rd</sup> March to Saturday 29<sup>th</sup> March 2026 in twenty-four (24) counties, namely, Mombasa, Kwale, Kilifi, Tana River, Isiolo, Meru, Embu, Machakos, Makueni, Nyeri, Kiambu, Uasin Gishu, Laikipia, Nakuru, Kajiado, Kericho, Kakamega, Vihiga, Bungoma, Busia, Kisumu, Kisii, Nyamira and Nairobi. The Committee considered the views received as contained in Chapter Four of this Report.
15. During the public hearings, the Committee received fifteen (15) memoranda from Mtoto News International; Sheria Watch; Bunge Mashinani Initiative; Network for Adolescent and Youth of Africa (NAYA); Said Kassim; Mau Mau Children Post Colonia Elites; Coalition for Peace and Gener Champions (CGPC); Umoja Ebenezer CBO Nyamira; Vihiga Right to Food Ambassadors; Kisumu Social Movement and Budget Champions for Muungano wa Wanavijiji; Vihiga CSOs Network; Kisii CSOs Network; Nakuru County Public Opinion Consultative Initiative (NC-POCI); Centre for Enhancing Democracy and Good Governance (CEDGG); and Rev. Simion Kipkogei.

### **3.2.3 Stakeholder Engagement on the Bill**

16. The Committee vide letter referenced *NA/DDC/JLAC/2026/30* dated 17<sup>th</sup> March 2026 (*Annexure 5*) invited key stakeholders and experts to submit views on the Bill and attend a public participation forum on Friday 27<sup>th</sup> March 2026 at 2.00pm at the Mini Chamber, 1<sup>st</sup> Floor, County Hall, Parliament Buildings.
17. Consequently, the Office of the Solicitor-General; State Department for Justice, Human Rights and Constitutional Affairs; Kenya Law Reform Commission (KLRC); Commission on Administrative Justice (CAJ); County Assemblies Forum (CAF); Katiba Institute; and the Centre for Multiparty Democracy (CMD) attended the public participation forum and submitted their views on the Bill.

### 3.3 Consideration of Submissions Received on the Bill

18. As at the time of the adoption of this Report, the Committee had received submissions from the Office of the Solicitor-General, State Department for Justice, Human Rights and Constitutional Affairs; Kenya Law Reform Commission (KLRC); Commission on Administrative Justice (CAJ); Commission on Revenue Allocation (CRA); National Gender and Equality Commission (NGEC); Office of the Data Protection Commissioner (ODPC); Council of County Governors (COG); County Assemblies Forum (CAF); Law Society of Kenya (LSK); Katiba Institute; CM Advocates LLP; Centre for Multiparty Democracy (CMD); Kenya Bankers Association (KBA); Media Council of Kenya (MCK); East Africa Interpreters and Translators Association (EAITA); Women in Real Estate (WIRE); Kenya Legal and Ethical Issues Network on HIV and AIDS (KELIN); Kenya Devolution CSOs Working Group (KDCWG); the East African Wildlife Society (EAWS) in partnership with the World Wildlife Fund (WWF) and conservation stakeholders including the Kenya Wetlands Forum (KWF), Kenya Forests Working Group (KFWG) and the National Environment Civil Society Alliance of Kenya (NECSA-K) {EAWS and other conservation stakeholders hereinafter}; Coast Regional Budget Hub (CRBH); Siaya County Civil Society Network (SCCSN); The Institute for Social Accountability (TISA); Nairobi Eastern and Central Regional Budget Hub (NEC Hub); Joint Committee of Jericho Resident Associations (JCJRA); Kitengela Municipality Alliance of Residents Associations (K-MARA); Oxygène; WeCare Youth Organization; Women's Political Alliance-Kenya and Coalition of CSOs on Inclusive Governance (WPA-K); Civil Society Parliamentary Engagement Network (CSPEN); Yellow Rose Kenya Limited; The Youth Agenda and Nairobi Community of Practice (YAA); Umuuzi Foundation; The Economic and Social Rights Centre (Haki Jamii); PAWA Initiative; All Saints' Cathedral Church; Bajeti Hub; DICEF; Health NGOs Network (HENNET); Mau Mau Children Post Colonial Elites; Network for Adolescent and Youth of Africa (NAYA); Coalition for Peace and Gender Champions (CPGC); Maslahi ya Jamii CBO; Bunge Mashinani Initiative; Mtoto News International; Umoja Ebenezer CBO; Kisii CSOs Network; Kisumu Social Movement and Budget Champions for Muungano wa Wanavijiji (KSMBC); Vihiga CSOs Network; Vihiga Right to Food Ambassadors; Centre for Enhancing Democracy and Good Governance (CEDGG); Nakuru County Public Opinion Consultative Initiative (NC-POCI); Rev. Simioin Kipkogei; Patrick Ang'asa; Jimson Mwikamba; Ndata Julius; Emily J. Ngwiri; Mukami Gichane; Jane Mukami; Eric Alividza; Petterson Kitoo; Daniel Muchai Karigi; Mogire Michaels; Stacy Konyino; Benard Siloma; James Mritu; Teresia Karanja; Ndiritu Hannah Wangui; Jones Kyalo Kisese; Nasambu Flavia; Benson Caxton Magero; Nderitu Nduba; Alex Kibunja Wanjiku; Boniface Odhiambo Oking'; Jaine Kalibo; Nicolette Kurwa; Albert Wanjeri; Christine Lorna Abwanji; MK Mbugua; Kelvin Saitoti; Rosemary Karanja; Edwin Otieno Owino; Catherine Waithera; Aisha Kibwana; Fredrick Bundi Kirianki; Njeri Wamwea; Akiolo; Hilaria Mluli Farrar; a young Kenyan legal professional and advocate for civic participation; and other members of the public. They submitted as follows:

#### 3.3.1 Submissions in Support of the Bill

19. The Office of the Solicitor-General and ODPC supported the Bill in its entirety. While attending the public participation forum on Friday, 27<sup>th</sup> March 2026 and vide its letter Ref No. 5095/1/11(TF) dated 26<sup>th</sup> March 2026, the **Office of the Solicitor-General** supported the Bill in its entirety noting that it does not raise any legal or constitutional issues.

20. Reiterating its commitment to protecting Kenyans' personal data, the **ODPC** vide letter Ref No. ODPC/ADM/CON/30(12) dated 25<sup>th</sup> March 2026 supported the Bill in its entirety noting clause 19 requires responsible authorities to comply with the Data Protection Act, Cap. 411C when processing personal data.

### 3.3.2 Submissions on Proposed Amendments

21. Vide letter Ref No. DOJ/LJM/2/143/TY(20) dated 1<sup>st</sup> December 2025, the **State Department for Justice, Human Rights and Constitutional Affairs** noted that, in July 2025, it had transmitted a Draft Public Participation Bill which had undergone extensive stakeholder consultations including engagements in 13 counties. As such, the State Department for Justice, Human rights and Constitutional Affairs proposed consideration of its draft to broaden the scope and operational details of the instant Bill.
22. Additionally, the **State Department for Justice, Human Rights and Constitutional Affairs** submitted a further memorandum vide letter Ref. No. DOJ/LJM/2/143/TY(26) dated 25<sup>th</sup> March 2026.
23. Whilst proposing amendments to the Bill, the State Department for Justice, Human Rights and Constitutional Affairs; KLRC; CAJ; CRA; NGEC; ODPC; COG; CAF; LSK; Katiba Institute; CM Advocates LLP; CMD; KBA; MCK; EAITA; WIRE; KELIN; KDCWG; EAWS and other conservation stakeholders; CRBH; SCCSN; TISA; NEC Hub; JCJRA; K-MARA; Oxygène; WeCare Youth Organization; WPA-K; CSPEN; Yellow Rose Kenya Limited; YAA; Uamuzi Foundation; Haki Jamii; PAWA Initiative; All Saints' Cathedral Church; Bajeti Hub; DICEF; HENNET; Mau Mau Children Post Colonial Elites; NAYA; CPGC; Maslahi ya Jamii CBO; Bunge Mashinani Initiative; Mtoto News International; Umoja Ebenezer CBO; Kisii CSOs Network; KSMBC; Vihiga CSOs Network; Vihiga Right to Food Ambassadors; CEDGG; Nakuru County Public Opinion Consultative Initiative (NC-POCI); Rev. Simion Kipkogei; Said Kassim; Patrick Ang'asa; Jimson Mwikamba; Ndata Julius; Emily J. Ngwiri; Mukami Gichane; Jane Mukami; Eric Alividza; Petterson Kitoo; Daniel Muchai Karigi; Mogire Michaels; Stacy Konyino; Benard Siloma; James Mritu; Teresia Karanja; Ndiritu Hannah Wangui; Jones Kyalo Kisese; Nasambu Flavia; Benson Caxton Magero; Nderitu Nduba; Alex Kibunja Wanjiku; Boniface Odhiambo Oking'; Albert Wanjeri; Christine Lorna Abwanji; MK Mbugua; Kelvin Saitoti; Rosemary Karanja; Edwin Otieno Owino; Catherine Waithera; Aisha Kibwana; Fredrick Bundi Kirianki; Njeri Wamwea; Akiolo; and a young Kenyan legal professional and advocate for civic participation submitted as follows:

#### Proposed Preamble

24. **Katiba Institute** proposed amending the preamble to include Articles 1, 174, 186 and 221(5) of the Constitution noting that all constitutional provisions that anchor public participation are critical in dictating the scope of the Bill.
25. **SCCSN** was of the view that the Bill is not explicitly anchored in national policy and therefore, proposed that the preamble be amended to provide that the Act is to give effect to the Kenya Policy on Public Participation 2023.

#### Committee Observation

26. The Committee observed that the Bill does not contain a preamble. However, if the proposed amendment is on the long title, the Committee noted that the idea of public

participation is enshrined in the Constitution which is the supreme law in Kenya. The Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023) is a policy document.

#### Clause 1

27. **CM Advocates LLP** proposed that the short title be amended to emphasize civic engagement and public participation. This would signal a deliberate shift toward active citizen involvement.
28. **KSMBC** proposed that the title be amended to read "Public Participation and Citizen Engagement Act" to encompass civic education as a key component of public participation. Similarly, Bunge Mashinani Initiative proposed renaming the Act to 'The Civic Education and Public Participation Act' because in its view civic education and public participation are interdependent.

#### Committee Observation

29. The Committee observed that the Constitution identifies "public participation" as a national value and principle of governance which encompasses sensitization and engagement appearing as objectives of the Bill. Therefore, the Committee noted that it would retain the title of the Bill as the "Public Participation Bill".

#### Clause 2

30. **KLRC** was of the view that the definition of "public participation", as drafted, omits the review and monitoring phases of the governance cycle which are equally important components of citizen engagement under Article 10(2)(a) and 232(1)(d) of the Constitution.
31. **Katiba Institute** proposed an amendment to the definition of "public participation" to broaden the scope to include audit processes as provided under the County Public Participation Guidelines by the Ministry of Devolution and Arid and Semi-Arid Lands in line with the ongoing practice at the Office of the Auditor General and its specific department on social accountability.
32. **COG** proposed that the definition of "public participation" be amended to provide for a comprehensive definition and parameters on what constitutes public participation.
33. **CRA, CMD** and **CRBH** proposed redefining "public participation" as defined in Sessional Paper No. 3 of 2023 for clarity and to align with the Kenya Policy on Public Participation.
34. **KELIN** and **CSPEN** also proposed amending the definition of "public participation" to introduce public participation in audit processes aligning it to ongoing practice at the Office of the Auditor General and its specific department on social audits and social accountability.
35. **Oxygène** and **TISA** proposed amending the definition of "public participation" to prescribe what meaningful public participation is. In Oxygène's view this would be in line with the court's decision in **Robert N Gakuru & Others v Governor Kiambu County & 3 Others [2014] eKLR**.
36. **Patrick Ang'asa** and **EAWS and other conservation stakeholders** proposed amending the definition of "public participation" to provide a detailed and clarified

definition applicable in various contexts including the type of process, projects and plans to be undertaken in public participation.

37. **Mukami Gichane, Jane Mukami, Eric Alividza, Petterson Kitoo, Daniel Muchai Karigi, Mogire Michaels, Stacy Konyino, Benard Siloma, James Mritu, Teresia Karaja, Ndiritu Hannah Wangui, Jones Kyalo Kisese, Catherine Waithera, Nasambu Flavia, Benson Caxton Magero and Edwin Otieno Owino** (*hereinafter Mukami Gichane and other members of the public*) submitted that the definition of 'public participation' as drafted is overly broad, vague and susceptible to abuse. Thus, they proposed amending it to incorporate internationally recognized and constitutionally mandated elements of meaningful public participation.
38. **Sheria Watch** and an anonymous young Kenyan legal professional and advocate for civic participation proposed that the definition of "public participation" be expanded to include the right of the public to be informed, consulted and involved in decision-making and the duty of responsible authorities to consider, respond to and justify decisions in light of public submissions.
39. **WeCare Youth Organization** proposed amending the definition of "public participation" to outline the extent and structured process of involving citizens.
40. **All Saints' Cathedral Church** proposed an amendment to the definition of "public participation" to replace the word 'or' with 'and' because when people participate in making a public policy decision, they should also participate in the implementation of such decisions to the extent practically possible. Furthermore, the Church proposed the definition of the term 'public policy decisions' to mean all decisions made by national and county governments in addressing all matters affecting the public, including policy provisions, plans, budgets and standards of service delivery.
41. **All Saints' Cathedral Church** also proposed including the definition of the term "legislation" as currently used in Parliament when legislation is being enacted.
42. **KLRC** proposed inclusion of the definition of "public participation report" to mandate responsible authorities to publish their outcomes as applied in clauses 12 and to create an enforceable standard of accountability consistent with the principle of transparency and the right of access to information in Articles 10(2)(c) and 35 of the Constitution, respectively.
43. **CRBH** proposed amending the definition of "responsible authority" to include a department or agency of the national government or county government and any other body declared to be a national government entity under section 4(1) of the Public Finance Management Act, Cap. 412A, Constitutional Commissions and Independent Offices, and political parties. In CRBH's view, this provision provides a clearer and stronger foundation for public accountability.
44. **NGEC** proposed introducing new definitions of "access" and "access to information" for clarity as applied in clauses 7(f) and 14.
45. **COG and CM Advocates LLP** proposed defining the term "civic engagement" within the Bill to clarify its distinction from public participation and to underscore its role in

- fostering informed, continuous citizen involvement. KELIN also proposed inclusion of the term 'civic education' to make civic education mandatory for all State organs before decision-making.
46. **WPA-K** proposed the inclusion of the definition of "civic engagement" as a fundamental element of public participation and to align with Articles 33, 35 and 55 of the Constitution and Access to Information Act, Cap. 7M.
  47. **Ndata Julius, Nderitu Nduba, Alex Kibunja Wanjiku, Boniface Odhiambo Oking', Christine Lorna Abwanji and Aisha Kibwana** (Ndata Julius and other members of the public hereinafter) proposed insertion of clearer and inclusive definitions that recognize all persons likely to be affected by a decision, including residents, community-based groups, professional bodies, youth, women and PWDs to prevent narrow or selective interpretations and ensure no citizen is excluded from governance processes. **Uamuzi Foundation** also proposed introducing a new clause to exclusively highlight how the voices of the youth, PWDs, older members of the society, minorities and marginalised groups will be incorporated.
  48. **KELIN** and **CSPEN** proposed introducing the definition of "Cabinet Secretary" to provide a clear national anchor for policy coordination and implementation of the Act.
  49. **Mtoto News International** proposed inserting a new definition of "child" as per the meaning assigned in section 2 of the Children Act, Cap. 141 and "child-friendly" in relation to any notice, document, process or platform, in line with the evolving capacities principle under Article 5 of the United Nations Convention on the Rights of the Child (UNCRC) and Article 27(4) of the Constitution on equality and freedom from discrimination.
  50. **KELIN** and **CSPEN** also proposed including the definition of "interested party" to ensure public participation proceedings include all persons, not just a cross-section of the public.
  51. **KSMBC** proposed the inclusion of the definition of "public" to clear any doubt on the target population during participation engagements.
  52. **K-MARA** proposed including the definition of "resident associations" to align with Articles 10, 174 and 232 of the Constitution and the jurisprudence in the **Robert N Gakuru & Others v Governor Kiambu County & 3 Others [2014] eKLR**.
  53. **SCCSN** and **WPA-K** submitted that the definition of terms should be amended to reflect what is included in the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023).
  54. **WPA-K** also proposed the inclusion of definitions of accessibility or accessible communication formats for PWDs to ensure inclusivity and align with Article 56 of the Constitution, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) and the Disability Act, 2025.
  55. **YAA** proposed adding the definition of the terms, "youth", "inclusive participation", "marginalised groups" and "persons with disabilities". In YAA's view, a Bill that establishes the national framework for how citizens engage with governance cannot be silent on the

youth; a group most structurally excluded from those processes. Hence, YAA's proposal to introduce a dedicated clause requiring responsible authorities to take affirmative steps to ensure youth participation, with specific reference to young women, youth with disabilities, youth in the informal economy and youth from marginalised communities.

56. **Njeri Wamwea and Fredrick Bundi** proposed an amendment to define “public policy”, “major decision”, “material change”, and “hybrid hearing” to trigger safeguards for high-impact decisions. In their view, the key terms are undefined; authorities can avoid participation by re-labelling policies or claiming changes are minor.
57. **HENNET** proposed amending the clause to add new definitions of “meaningful public participation”, “marginalised groups”, “accessible format”, “digital platform”, “public participation plan”, “public participation report”, “stakeholder” and “feedback mechanism” to prevent inconsistent implementation and reduce the risk of litigation.

### **Committee Observation**

58. The Committee observed that the Constitution lacks a definition of the term “public participation” despite its usage in various Articles. Therefore, the Bill attempts to define “public participation” by identifying the scope of national values and principles of governance contained in Article 10 which includes participation of the people. Also, the Committee noted that the use of the word “involving” in the definition of “public participation” may be substituted with the word “engaging” which implies active involvement of the public. By doing so, the definition will cover the aspect of citizen engagement as proposed by members of the public.
59. The Committee noted that the definition of “public participation” as contained in the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023) widens the scope of public participation beyond the scope discernible from the relevant Articles of the Constitution that the Bill seeks to actualize.
60. With respect to inclusion of the proposed new definitions, the Committee noted as follows—
  - (a) On the inclusion of the definition of “civic education”, the Committee noted that although being closely related, civic education and public participation are not the same. Civic education is the process of informing and educating citizens about their rights and duties whereas public participation is active involvement of the public in decision-making processes;
  - (b) On the inclusion of the definition of “public”, the Committee noted that, despite its usage in the Constitution and other written laws, the term is not defined and would vary with the nature of the matter under consideration by a responsible authority.

### **Clause 3**

61. **The State Department for Justice, Human Rights and Constitutional Affairs** proposed expanding the clause to articulate the operational goals needed to guide implementation, inclusivity and accountability. The additions would operationalize the constitutional principles by embedding accessibility, inclusivity and responsiveness into the Bill's core purpose.

62. **LSK** proposed the inclusion of a reference to Article 35 of the Constitution to align the Bill with the constitutional right to access information ensuring public participation includes reasonable access to relevant documents as was held in ***KAPS Parking Limited and Another v County Government of Nairobi and Another [2021] eKLR***.
63. **CMD** recommended the replacement of the clause with a statement on the overall objectives of the bill. It was their view that the clause should be amended to ensure that the Bill speaks more towards taking relevant steps to advance public participation and not just the implementation of the Articles.
64. **KDCWG** proposed amending the clause to promote the inclusion of women, youth, PWDs and other marginalized groups in accordance with Kenya's regional and global commitments in the Convention on the Rights of Persons with Disabilities (CRPD), Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) and African Charter on the Rights and Welfare of the Child. Furthermore, KDCWG proposed the inclusion of civic education and participation on devolution as an object of the Bill.
65. **KELIN, CRBH, TISA, Bunge Mashinani Initiative and Mukami Gichane and other members of the public** proposed including Articles 1, 174(a) and (c), and 221(5) of the Constitution to solidify public participation as an essential and inherent right of the people, a primary objective of devolution and a mandatory component of the national budgeting process, respectively. **WeCare Youth Organization** and **KSMBC** proposed inclusion of Article 1 of the Constitution that operationalizes the people's sovereignty through engagement in governance. **Bunge Mashinani Initiative** further recommended the inclusion of an objective on the promotion and institutionalization of civic education as a core object of the Bill.
66. Additionally, **All Siant's Cathedral Church** proposed including Articles 174(c) and (d) of the Constitution as well as paragraph 14 of Part 2 of the Fourth Schedule to the Constitution on functions of county governments. In the Church's view, this would ensure that all provisions in the Constitution on public participation are adhered to.
67. **SCCSN** was of the view that the clause, as drafted, does not reflect the full scope of participatory governance and, therefore, proposed amending the clause to incorporate the nine (9) objectives provided in the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023).
68. **CSPEN** proposed inclusion of Articles 174(c) and 222(5) of the Constitution on the importance of public participation as an object of devolution and an essential component of the national budget process among the Articles the Act intends to give effect to. CSPEN further proposed the inclusion of more objects essential in giving practical effect to the constitutional principles of public participation.
69. **HENNET** proposed adding a new object to explicitly align public participation with internationally recognized principles.
70. **Bajeti Hub** proposed amending the clause to include enforcement and accountability as a core objective of the Bill.

### **Committee Observation**

71. The Committee observed that public participation is listed as one of the national values and principles of governance and that the overarching objective of the Bill is to give effect to this principle.
72. The Committee noted that the principle of public participation is derived from Article I on the sovereign power of the people which is delegated to State organs. Therefore, the inclusion of Article is imperative.
73. Also, the Committee noted that it is necessary to include Article 174(c) which outlines public participation as an object of devolution.

#### Clause 4

74. **CRA and the State Department for Justice, Human Rights and Constitutional Affairs** proposed expanding the scope of the Bill to include government programmes or projects of public interest and all matters governance within the scope of the Bill to ensure transparency, accountability and community ownership from the outset. CRA further proposed defining 'public policies' in sub-clause (2)(a).
75. **Katiba Institute** proposed an amendment to sub-clause (2) to capture all the instances envisioned under Article 10(1) of the Constitution. In Katiba's view, an effort should also be made to elaborate the nature of public participation expected during the interpretation or application of the Constitution.
76. **KELIN** proposed inserting additional objects on key elements required for meaningful participation to give practical effect to the constitutional principles of public participation. These include democracy, access to information, inclusion, budgeting, feedback and civic education. Similarly, **CMD** proposed the inclusion of an additional subsection to provide for public participation during the budget-making process. Further, **All Saints' Cathedral Church** proposed amending sub-clause (2) to add preparation and implementation of public plans, budgets and standards for the delivery of public services to ensure clarity on all the priority and critical public policy processes that the public should participate in.
77. **KDCWG, Patrick Ang'asa, KSMBC and Bunge Mashinani Initiative** proposed expanding application of the Act to include implementation of laws, policies, budgets and projects; monitoring and evaluation; auditing; interpretation of the law by the Judiciary; civic education; performance management systems; and strategic decisions relating to service delivery of the government entity. In KDCWG's view, this would ensure full realization of the provisions of Articles I and 10 of the Constitution.
78. **Oxygène and CRBH** proposed expanding the clause to apply to emerging public private partnerships practices to include private actors executing public functions or using public funds.
79. **Emily J. Ngwiri** proposed amending the clause to expand its application to private entities.
80. **Kelvin Saitoti** proposed that the application of the Act be expanded to include a national monitoring and evaluation framework with indicators, verification tools, annual participation reviews and a public digital performance dashboard.

81. **A young Kenyan legal professional and advocate for civic participation anonymously** proposed that application of the Act be expanded to include procurement and contracting, appointment of senior public officials and performance evaluations of public offices.
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82. **Mtoto News International** proposed inclusion of a new sub-clause to provide that nothing in the Act, once enacted, limits or derogates from the rights of children to participate in public participation processes as provided in section 9 of the Children Act, Cap. 141.
83. **Njeri Wamwea and Fredrick Bundi** proposed an amendment to make participation mandatory for laws, budgets and all major public-resource decisions, including sale of State corporation assets; no authority may waive this duty. Furthermore, she submitted that there is a need to tie the scope primarily to the parent law and require any residual scope-setting to be adequate and justified in the public participation notice.

#### **Committee Observation**

84. The Committee observed that Clause 4 defines the scope of the persons and entities to whom the provisions of the Bill applies and the public participation processes that lie within the purview of the Bill. The responsible authorities listed under Clause 6 cover all State officers or public officers in the national and county levels of governance. Additionally, Clause 6(j) covers private persons who are charged with the responsibility of making and implementing public policy decisions. However, the Bill does not apply to private individual or entities who do not make or implement public policy decision since this would interfere with their privacy and autonomy.
85. On the scope of matters to which the Bill applies to, the Committee noted that Clause 4(2)(a) covers all aspects of governance including budget making and implementation as well as projects.

#### **Clause 5**

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86. **The State Department for Justice, Human Rights and Constitutional Affairs** proposed expanding the clause to ensure public participation is not merely procedural but meaningfully inclusive, transparent and responsive by anchoring the Bill on constitutional values and correcting historical patterns of exclusion.
87. **Katiba Institute** proposed amending the clause to require responsible authorities to employ a combination of methods designed to reach the broadest possible cross-section of the affected public and to ensure reasonable accommodation of the unique needs of various sections of the populace, including persons with disabilities, the illiterate and marginalized communities. Further, Katiba proposed an amendment to paragraph (b) to stipulate a minimum or standard timeframe that would be regarded as “reasonable time”.
88. **CAJ, KELIN, CSPEN, WeCare Youth Organization, JCJRA, Sauti ya Mtaa, Vihiga CSOs Network and Vihiga Right to Food Ambassadors** proposed the inclusion of civic education as an important prerequisite for effective public participation, ensuring public empowerment and sustained engagement. Similarly, **CM Advocates LLP** and **Kelvin Saitoti** proposed introducing a mandatory civic education clause requiring

both national and county governments to allocate a specific portion of their budgets and time to pre-consultation civic education and awareness campaigns.

89. **Said Kassim** also proposed making civic education mandatory and the use of simple and local languages.
90. **KELIN** proposed inserting additional principles of public participation to strengthen the constitutional grounding of public participation and clarify the obligations of responsible authorities to provide information in accessible formats, show how public input has been considered and give feedback to participants. Similarly, **KSMBC** stated that the clause be amended to include the principle of citizen-centred engagements, efficiencies, inclusivity and transparency, among others.
91. **KDCWG** and **TISA** proposed amending the clause to emulate section 87 of the County Government Act, Cap. 265 on reasonable and timely access of information to promote meaningful public participation.
92. **KBA** proposed including a principle on sector-specific stakeholder mapping and engagement to guide regulated industries such as banking in identifying and consulting relevant stakeholders.
93. **CRBH** proposed amending the clause to mimic the guiding principles outlined in the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023). In **CRBH**'s view, the guiding principles in the Policy represent the comprehensive and constitutionally aligned framework for public participation in Kenya. Similarly, **SCCSN** submitted that the clause be amended to incorporate all the seventeen (17) guiding principles from the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023) including inclusion of minorities and marginalized groups, provision of information in accessible formats such as braille and sign language and adequate funding and access to remedial measures.
94. **Patrick Ang'asa** proposed amending the clause to include access to timely information for meaningful participation.
95. **WPA-K** and **Emily J. Ngwiri** proposed amending paragraph (a) to replace the word 'may' with 'shall' to ensure that public consultation is mandatory and not permissive.
96. **WPA-K** and **Sauti ya Mtaa** also proposed that public participation be conducted at the lowest level with the wards being the primary unit of engagement.
97. **Jimson Mwikamba** proposed introduction of a new sub-clause for affirmative action to ensure inclusion of women, youth, PWDs and marginalized groups in participation fora by requiring all responsible authorities to provide in their proposed public participation reports the number of youths, women and marginalized groups that participated. This would ensure inclusivity and align the Bill to Articles 10 and 174 of the Constitution and address any social exclusion risks. Similarly, **NAYA** proposed an amendment to include a principle requiring equitable inclusion of youth, women, PWDs and marginalized groups.
98. **All Saints' Cathedral Church** proposed an amendment to adopt all the values and principles of governance as provided for in Article 10(2) of the Constitution as well as the constitutional principles on access to information.

99. **WPA-K** proposed including minimum standards by specifying notice periods, the requisite reporting structure and documentation transparency requirements.
100. **WeCare Youth Organization** proposed amending paragraph (b) to provide that the public be afforded a reasonable chance of twenty-one (21) days to express their views. in addition, ~~WeCare Youth Organization submitted that paragraph (d) be amended to provide that a budgets for public participation be included in the annual estimates of the responsible authorities in accordance with Articles 201(a), (d) and 232(1)(f) of the Constitution and the Public Finance Management Act, Cap. 412A.~~
101. **CMD** proposed an amendment to paragraph (b) to provide for thirty (30) calendar days for the public to give their views. The term “reasonable” as used in the Bill is vague and there is a need to properly outline the timelines within which the public can give their views as pertains certain Bills.
102. **Mtoto News International** proposed an inclusion of a new paragraph (e) to provide that public participation shall be child-inclusive and that a responsible authority shall, in any matter likely to affect children, take reasonable steps to facilitate their participation in an age-appropriate manner consistently with section 28 of the Children Act, Cap. 141, among other national and international provisions.
103. **Mtoto News International** also proposed inclusion of a new paragraph (f) to provide that public resources allocated for public participation activities shall make adequate provision, where children are among the affected persons, for the facilitation of child-inclusive engagement, including child-friendly materials, facilitation personnel and accessible digital infrastructure.
104. **NC-POCI** proposed including in-camera hearings after oral hearings for security reasons in public participation. Further that the Bill provide for public participation exercises to run from 9.00 am to 4.00 pm.

### **Committee Observation**

105. The Committee observed that the provisions of Clause 5 appear to be guidelines and not principles as intended. In simple terms, “principles” are what the society believes in and “guidelines” are ways in which the society act on what they believe in. Therefore, the Clause may be re-drafted to include principles such as sovereignty of the people; inclusion and non-discrimination; transparency and accountability; and involvement of children in matters that affect them.
106. On inclusion of civic education as a principle of public participation, the Committee observed that, although being closely related, civic education and public participation are not the same. Civic education is the process of informing and educating citizens about their rights and duties whereas public participation is active involvement of the public in decision-making processes.

### **Clause 6**

107. **KLRC** proposed inserting a new sub-clause to designate a specific operational officer to act as the focal point of contact for public participation to ensure accountability. Additionally, **KLRC** and **CAJ** recommended a new sub-clause to grant the responsible

authority delegation powers, preventing operational gaps should the primary authority be unavailable.

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108. **Katiba Institute** proposed amendment to include national Executive organs such as the Office of the President and the Office of the Deputy President as responsible authorities, given that these offices formulate and implement national public policy with profound impacts.
109. **KELIN** and **CSPEN** submitted that the clause be amended to delete the reference to county Governor and substitute it with the relevant member of the county executive committee responsible for the matter under consideration. In its view, this would avoid centralizing public participation in the Office of the Governor, provide clarity, align with the County Governments Act, Cap. 265 and reinforce accountability.
110. **KBA** submitted that the clause be amended to clarify the inclusion of regulated private sector entities such as banks as 'responsible authorities' when implementing public-impact policies.
111. **EAWS** and other conservation stakeholders proposed setting minimum national standards that all institutions should meet to ensure consistency and accountability in the implementation of public participation including at the county department levels.
112. **CRBH** proposed deletion of the clause since the definition of 'responsible authority' should be adequately defined in the interpretation clause as proposed in clause 2 above.
113. **SCCSN** was of the view that whilst the Bill designates responsible authorities it fails to establish a coordination architecture which will lead to fragmented implementation. SCCSN therefore proposed amending the clause to embody the institutional framework in the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023).
114. **CM Advocates LLP** proposed amending paragraph (i) to designate the County Secretary and Head of Public Service as the responsible authority for public participation at the county to ensure clear accountability.
115. **Patrick Ang'asa** proposed amending paragraph (i) to harmonize the responsible authorities in the County Assemblies and in the County Executives with the respective counties. For instance, Nairobi County which has a CECM in charge of Public Participation.
116. **TISA** proposed replacing the term 'responsible authority' with 'responsible state organ' to strengthen compliance with Article 261 of the Constitution by ensuring that the Bill assigns obligations only to constitutionally defined institutions with legal mandates, accountability frameworks and clear oversight mechanisms.
117. **TISA** also proposed amending paragraph (i) to replace 'County Governor' with 'County Executive Member' which is better suited to be responsible for public participation matters as they are charged with the overall policy implementation and facilitation of citizen involvement in the county's decision-making.
118. **All Saints' Cathedral Church** proposed amending the paragraph (i) to replace 'county governor' with the 'relevant chief officer' for each county department as the responsible

authority in the case of a county executive. In the Church's view, there is no instance where an elected official at the national level takes responsibility for public participation within the Executive; it follows, therefore, that the same principle applies at county level.

119. **WPA-K** proposed including the Cabinet Secretary responsible for public service as the national lead authority for coordination, compliance and standard-setting to prevent inconsistent enforcement by the responsible authorities.
120. **Njeri Wamwea** and Fredrick Bundi proposed an amendment to provide that approvals and public participation under the Act should be conducted only by institutions with the statutory mandate and capacity to make or amend the instrument concerned.
121. **NC-POCI** proposed adding the Head of Public Service and Comptroller of State House as responsible authorities with the latter being directly accountable for the use of presidency funds.

#### **Committee Observation**

122. The Committee observed that public participation is a multi-sectoral and context-driven exercise which makes it impractical for a central authority to coordinate the exercise. In its view, the best approach is to designate a focal point/person for each entity/institution to bear the personal responsibility for actualization of the constitutional principle. This approach would leave adequate room for the focal point/person to cause their institution to formulate specific internal protocols for their organization and any additional guidelines peculiar to their organization and their optimal mode of conducting public participation.
123. The Committee further observed that the Clause could be amended to clarify that the accounting officer of a Commission or Independent Office under the Constitution is the responsible authority under the Bill.

#### **Clause 7**

124. **Katiba Institute** proposed an amendment to the considerations to promote inclusivity by including access for persons with disabilities and consideration of the language needs of the community as mandatory minimum requirements in every public participation exercise.
125. **NGEC** proposed inserting new paragraphs to provide for the number and levels of fora for public participation and mechanisms for addressing complaints to ensure that different target audiences are reached and proper utilization of well-thought and tailored approaches.
126. **CRA** proposed expanding the considerations in undertaking public participation to include the Supreme Court's guidelines in *British American Tobacco Kenya, PLC v Cabinet Secretary for the Ministry of Health and Others [2019] eKLR*.
127. **CM Advocates LLP, Vihiga CSOs Network and Vihiga Right to Food Ambassadors** proposed that the Bill guarantees accessibility for marginalized groups, mandating reasonable accommodation for PWDs including accessible venues, Kenya Sign Language interpretation and alternative communication formats such as braille. This is in line with Article 54 of the Constitution and safeguards the inclusion of historically marginalised voices in governance processes.

128. Furthermore, **CM Advocates LLP** noted that the Bill should introduce a mandatory clause outlining clear principles of engagement requiring participation to occur at formulative stages of policy making, the legislative process, at project development; and not merely at the approval or implementation phase.
129. **KBA** proposed including a clause to provide for the development and use of a risk-based approach to assess the appropriate level of public participation and guide responsible authorities in determining the depth and breadth of engagement for different initiatives.
130. **Oxygène** proposed amending the clause to by replacing 'shall consider' with 'shall ensure compliance with' to remove the discretionary application of considerations in undertaking public participation.
131. **CMD** and **EAWS and other conservation stakeholders** proposed expanding the guidelines of public participation to require public civic education prior to the process of collecting feedback, and reporting to the public on decisions adopted.
132. **JCJRA** submitted that the paragraphs (a), (b) and (c) are vague and prone to abuse and therefore proposed that they be redefined to provide clear thresholds and measurable criteria. **KSMBC** also submitted that the guidelines are abstract and fail to provide a clear structure for public participation and require to be rewritten.
133. **WPA-K** proposed inserting a clause to require gender-responsive and inclusive participation guaranteeing representation of women, youth, PWDs, the elderly and marginalized groups in line with Articles 10, 27, 55, 56 and 100 of the Constitution. Further, **NAYA** and **YAA** proposed an amendment to include a requirement for youth-responsive participation mechanisms to address access barriers.
134. **Mtoto News International** proposed an amendment to insert a new paragraph (j) to provide for a consideration whether children are among the persons likely to be affected by the matter under consideration, and if so, the additional measures necessary to facilitate their meaningful, safe and age-appropriate participation.
135. **HENNET** proposed including new considerations when undertaking public participation including considerations for digital access, language and disability inclusion, gender/youth quotas and low-connectivity areas.

#### **Committee Observation**

136. The Committee observed that Clause 7 provides for considerations by responsible authorities when undertaking public participation i.e., matters that are to be taken into account before, during and after public participation. Therefore, principles such as accessibility by minorities and marginalised groups, inclusivity and non-discrimination would be covered sufficiently by the amendments to be proposed to Clause 5 by the Committee on the principles of public participation.

#### **Clause 8**

137. **KLRC, the State Department for Justice, Human Rights and Constitutional Affairs, NGEK, CRA, MCK, KDCWG, CRBH, NEC Hub, WIRE, Yellow Rose Kenya Limited, WeCare Youth Organization, Uamuzi Foundation, Bunge**

**Mashinani Initiative, Bajeti Hub and NAYA** recommended a minimum period for public consultation notices for meaningful participation and to align with regional and international best practices and judicial precedent in *Institute for Social Accountability v National Assembly [2013] eKLR*. In CRA and KDCWG's view, this would allow adequate time for the public to prepare and offer comprehensive feedback and align with the court's decision in *Robert N Gakuru & Others v Governor Kiambu County & 3 Others [2014] eKLR*.

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138. **LSK** proposed the formulation and adoption of a standardized template for the notice referred to in clause 8 to ensure that all responsible authorities provide comprehensive information and minimize risks of omissions and promote uniformity.
  139. **Katiba Institute** proposed amendments mandating that public notices be published in English, Kiswahili and the dominant local language of the affected area. Further, they proposed that the Bill highlights what amounts to sufficient notice and includes a minimum notice period with an exception provided for emergencies. What amounts to an emergency such as would justify a failure to comply with the minimum notice period should also be detailed in the legislation or general regulations under the Act, rather than being left to individual actors.
  140. **CMD** proposed amending sub-clause (1) to include a notice for civic education where applicable to ensure that the public understands the matter under consideration for informed participation.
  141. **KELIN** and **TISA** proposed amending the clause to enhance clarity, accessibility and adequacy of notice by prescribing the information to be provided, the formats for dissemination and fixed minimum timelines. TISA added that emergency provisions for emergency periods be included to prevent abuse by responsible authorities.
  142. **KBA** proposed expanding the Clause to require responsible authorities to identify and engage specific stakeholder groups who are directly or disproportionately impacted by the matter under consideration for targeted participation.
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143. **EAWS and other conservation stakeholders** proposed expanding the clause to include the use of multi-channel inclusive notification strategies to notify the public of the public participation exercise to accommodate diverse groups including the marginalized communities.
  144. **NEC Hub** and **KSMBC** were of the view that a minimum fourteen (14) days' notice and thirty (30) days' notice for public hearings on ordinary legislation and high impact legislation, respectively, suffices. Similarly, **K-MARA** and **JCJRA** submitted that the clause does not prescribe minimum notice periods or standard notification channels and as such proposed a 14-day minimum notice period for ordinary consultations, 30-day minimum period for Bills, budgets, land-use policies or environmental matters. K-MARA added that the clause be expanded to provide for mandatory publication through county and municipal offices, resident association bodies, local vernacular stations and digital portals and verified social media.
  145. **Rosemary Karanja** and **Rev. Simion Kipkoge** proposed providing clear minimum timelines for public participation exercises. Further, that adequate notice before the public

participation exercise be provided. Similarly, **CEDGG** and **PAWA Initiative** proposed introducing a mandatory fourteen (14) day notice period. PAWA Initiative further proposed the inclusion of a new sub-clause to provide that a responsible authority conducts comprehensive civic education to the public on the subject matter under consideration prior to the public participation exercise.

146. **YAA** and **Kelvin Saitoti** proposed specifying a minimum timeline period for notice. YAA specified that the minimum notice period be twenty-one (21) days for standard exercises and fourteen (14) days for urgent matters. YAA added that the proposed amendment also seeks to require notices to be widely publicised in the specific geographic area affected and for the government to designate data-free public participation portals for online submissions, removing mobile data costs as a barrier to participation for youth in informal settlements and low-income areas.
147. **Kisii CSOs Network** proposed introducing standard engagement procedures of a fourteen (14) day notice period, minimum for a counts and strict quorum requirements.
148. **KLRC** proposed amending sub-clause (2) to enhance the notice requirements and give effect to Articles 10(2), 35 and 54 of the Constitution on inclusiveness, access to information and the rights of PWDs.
149. **Haki Jamii** was of the view that sub-clause (2) be amended to expressly require that any public notice issued thereunder includes information on how and where relevant documents may be accessed.
150. **CSPEN** proposed amending sub-clause (2) to enhance clarity, accessibility and adequacy of notice by prescribing the information to be provided, the formats for dissemination and fixed minimum timelines.
151. **Patrick Ang'asa** proposed amending sub-clause (2) to require that the objectives of the public participation exercise be included in the notice for participation.
152. **KSMBC** proposed the inclusion of a new sub-clause (3) to compel state officers to develop simplified versions of engagement during the participation engagements two weeks prior to the actual exercise.
153. **NEC Hub** submitted that the Bill should provide for standardized templates for notices, submissions and reports.
154. **Jimson Mwikamba** and **Christine Lorna Abwanji** proposed the introduction of statutory minimum standards for meaningful engagement including a 21-day minimum notice period, accessible meeting venues and public participation reports. In his view, this would ensure participation is not tokenistic or procedural thus aligning with Article 10 of the Constitution and judicial precedence.
155. **Hilaria Mluli Farrar**, **Ndata Julius** and other members of the public noted the need for minimum standards and timelines for participation and therefore, proposed inclusion of a 14-day notice period and publication of public participation materials in both English, Kiswahili, Kenya Sign Language, Braille and local languages, where possible.

156. **Ndata Julius and other members of the public** further proposed that all public institutions be required to combine digital participation with community barazas, radio programs and mobile outreach fora to ensure equal participation opportunities as envisioned by Article 27 of the Constitution.
157. **Mukami Gichane and other members of the public** proposed amendments to provide for the use of Braille, audio-visual and sign language formats for accessibility by all persons including PWDs for inclusivity in accordance with Articles 27 and 54 of the Constitution.
158. **A young Kenyan legal professional and advocate for civic participation anonymously** submitted that the Bill does not set the minimum regulatory standards to guide digital fairness, authentication, safety and/or the official manner of dealing with online submissions. Therefore, s/he proposed that regulations be developed to set out clear criteria for handling online participation.
159. **WPA-K** proposed requiring gender-sensitive and community-appropriate channels including the use of vernacular media, social networks, grassroot fora, faith institutions and offline systems among others to address the digital divide mostly affecting women and rural communities.
160. **Mtoto News International** proposed an amendment to insert a new sub-clause (3) to provide that where children are among the affected persons pursuant to the proposed clause 7(j), the notice shall be communicated through channels accessible to children and shall be accompanied by a child-friendly summary of the subject matter in plain language appropriate to the ages of the children likely to be affected.
161. **NC-POCI** proposed strengthening the clause to curb last-minute cancellations of meetings to protect participants from incurring unnecessary travel costs.
162. **Mau Mau Children Post Colonial Elites** proposed the inclusion of adequate notice and mobilization to ensure meaningful participation in all regions.
163. Rev. Simion Kipkogei proposed amending the entire clause to ensure transparency, inclusivity and compliance with constitutional standards to read as follows:

“A responsible authority shall provide timely, accessible, and adequate notice of any public participation process using multiple communication channels and in languages understood by the affected population, and must document and publish proof of notification prior to the exercise.”

#### **Committee Observation**

164. The Committee observed that providing a specific timeline for a notice may be impractical as various matters have varying constitutional and statutory timelines. In its view, what is critical is for responsible authorities to give a reasonable notice determined by the nature of the matter under consideration, the importance of the matter under consideration, the impact of the matter under consideration and any constitutional or statutory timeline provided.

### Clause 9

165. **KLRC, TISA and JCJRA** proposed deleting the word 'may' with 'shall' to make it mandatory for the responsible authority to notify the public through the prescribed modes. **KLRC and JCJRA** added that the sub-clause (1) be amended to require a responsible authority to use at least three modes to notify the public, include community-level notification channels and to provide proof of publication of notices.
166. **CAJ** proposed the inclusion of the use of local vernacular radio stations and physical notices posted at Chief's Offices and Sub-County headquarters to ensure access by marginalized and non-digital-native citizens.
167. **CRA** also proposed amending the clause to expand the modes of notifying the public to include the venue in the notice.
168. **MCK** proposed requiring notification of the public through a newspaper of nationwide circulation, the official website of the responsible authority and official social media platforms of the responsible authority. This is because digital communication channels now dominate civic information access, necessitating mandatory multi-platform dissemination for inclusivity and transparency.
169. While the Bill acknowledges online platforms as valid modes of public participation, **Sheria Watch** submitted that it does not set minimum regulatory standards to guide digital fairness, authentication, safety, or the official treatment of online submissions. This ambiguity may inadvertently undermine the advantages that online participation offers especially for young people who engage predominantly through digital spaces.
170. **CMD** proposed an amendment to provide that the notice issued indicates the dates, time and venue where civic education will be conducted to ensure informed participation.
171. **KELIN and CSPEN** proposed amending sub-clause (1) to clarify the minimum standards for the dissemination and content of public notices and strengthen accessibility, inclusivity and effectiveness by requiring multiple communication channels, translation, Kenya Sign Language use and simplified summaries of the subject matter undergoing public participation.
172. **CRBH** proposed amending sub-clause (1)(a) to include the Kenya Gazette which is the official government communication channel.
173. **WIRE** proposed expanding the modes of notifying the public to include local, trusted community channels including women's professional networks, resident associations, SACOs, community saving groups, churches and PWD/youth advocacy platforms to fulfil the outreach gap. In addition, **NAYA** was of the view that the clause be amended to require dissemination through youth-friendly channels including radio, social media, community notice boards and SMS.
174. **MCK and JCJRA** proposed amending the clause 9(1) to replace the word 'may' with 'shall' to make notification of the public mandatory.

175. **Vihiga CSOs Network** and **Vihiga Right to Food Ambassadors** proposed amending sub-clause (1) to include modern and digital platforms such as official websites, social media, WhatsApp, SMS platforms and livestreaming of public hearings.

#### **Committee Observation**

176. The Committee observed that the modes of notifying the public listed under Clause 9 are comprehensive and wide-ranging including modern forms of communication such as use of social media which allows for rapid information sharing. The Bill allows responsible authorities the discretion to choose the appropriate modes of notification taking into account the matters listed under Clause 7.
177. The Committee further observed that it would be necessary for the Bill to require responsible authorities to use inclusive modes of communication in issuing notices to facilitate the participation of PWDs.

#### **Clause 10**

178. **KLRC** proposed the inclusion of new sub-clauses to recognize language diversity and require responsible authorities to consider all submissions regardless of the form or language in accordance with Articles 7 and 44 of the Constitution.
179. **Katiba Institute** proposed an amendment to require responsible authorities to use a combination of notification methods such as both radio and public meetings in rural areas to ensure the widest reach.
180. **MCK** submitted that although submissions are contemplated, inclusive and digital participation modalities are not expressly guaranteed hence proposed to specify submission of views electronically via email, portals or digital platforms and in accessible formats accommodating PWDs.
181. **Bunge Mashinani Initiative** also proposed an amendment to define acceptable online platforms for virtual participation. **NAYA** proposed mandating responsible authorities to use online portals, livestreaming and digital submission options during public participation.
182. **KELIN** and **CSPEN** proposed amending the clause to introduce new sub-clauses to broaden and clarify the submission process by ensuring safety, accessibility, diverse submission formats, proper record keeping and feedback. This would strengthen transparency, fairness and accountability.
183. **K-MARA** and **JCJRA** noted the need for verbatim attendance records, conducting public participation activities in accessible venues, use of local languages and by providing simplified summaries for low literacy communities. Furthermore, **JCJRA** proposed requiring that public participation meetings be scheduled at times convenient for informal workers, youth and vulnerable groups.
184. **CM Advocates LLP** submitted that the Bill should require the use of dominant platforms such as social media, live-streaming services and government portals alongside traditional media for public notices and consultations. Further, that all public participation proceedings be recorded and archived for a minimum period of ten years to promote transparency and accessibility, particularly for younger citizens who are more digitally active.

185. **KELIN, CSPEN and Bajeti Hub** proposed the establishment of an online platform to ensure wider, real-time access to institutional information and public notices, promoting transparency and inclusivity.
186. **K-MARA, Jimson Mwikamba and Albert Wanjiru** proposed amending the Bill to explicitly mandate the establishment of a national digital participation platforms such as mobile applications, websites, SMS-based systems, e-mails and social media platforms including X, Tiktok and WhatsApp for public feedback and consultation in accordance with the general guidelines for public participation in clause 7. This would reduce bureaucratic barriers and make participation accessible to all, especially the youth.
187. **WPA-K** proposed introducing support systems including transport reimbursement, childcare, lactation space, disability friendly and anonymous channels to encourage participation for women.
188. **Mtoto News International** proposed inclusion of a new sub-clause (2) to provide child-accessible submission mechanisms, including school-based fora and child-friendly digital interfaces; and ensure that any online platform used for submissions by children is age-appropriate, compliant with the Data Protection Act, Cap. 411C and does not expose children to risk of harm.
189. **Kisii CSOs Network, Njeri Wamwea and Fredrick Bundi** proposed an amendment to require the use of written submissions with digital platforms, at least one hybrid hearing, an online forum, and publication of recordings before decisions. Single-method processes exclude many stakeholders and lack verifiable records. NC-POCI also submitted on the need for audio-visual recording of public participation proceedings.
190. **CEDGG** submitted that the clause does not provide for formal acknowledgement of submissions and as such proposed official receipt, registration and stamping of all memoranda.

#### **Committee Observation**

191. The Committee observed that the modes of making submissions listed under Clause 10 are comprehensive and wide-ranging including modern forms of communication such as use of social media. Each responsible authority is given the discretion to choose the appropriate modes of making submissions taking into account the matters listed under Clause 7.

#### **Clause 11**

192. **KLRC, the State Department for Justice, Human Rights and Constitutional Affairs, LSK, CAJ, KELIN, WPA-K, CSPEN, EAWS and other conservation stakeholders, NAYA, PAWA Initiative and Said Kassim** proposed amending the clause to specify a minimum public participation period to avoid the risk of rushed participation exercises and ensure meaningful engagement.
193. **Katiba institute** proposed an amendment to include the definition of “reasonable time” as used in the Bill and provide a timeframe for making submissions.

194. **Emily J. Ngwiri, Mukami Gichane and other members of the public** proposed amending the clause to replace the term 'reasonable time' with a higher minimum specific period of time for the public participation process. This is because the term 'reasonable time' is vague and leaves room for abuse.
195. **WIRE** proposed reinstating and extending the minimum consultation time to twenty-eight (28) days for proposals with significant socio-economic impact such as housing, land use and infrastructure, among others.
196. **Sheria Watch and an anonymous young Kenyan legal professional and advocate for civic participation** proposed specifying statutory minimum timelines including 21 days for ordinary public participation processes, 30 days for complex Bills, policies or regulations and shorter timelines only under clearly defined emergencies. Similarly, **COG and YAA** proposed 'reasonable time' to include twenty-one (21) days for the public to make submissions during public participation processes. **YAA** was of the view that for matters directly affecting youth, PWDs, or marginalised communities, a minimum of 30 days would suffice and where the minimum period is reduced a written justification on the public record be provided.
197. **Mtoto News International** proposed an addition of a proviso to Clause 11 to provide that, in determining a reasonable time, a responsible authority shall have regard to the requirements of child-inclusive participation, including time for school-based engagement, facilitation, parental consent and the preparation of child-friendly materials.
198. **MK Mbugua, Njeri Wamwea and Fredrick Bundi** submitted that there is a need to set minimum twenty-one (21) to sixty (60) day periods, require multi-channel notice and a central public participation portal for meaningful engagement.

#### **Committee Observation**

199. The Committee observed that providing a specific timeline for making submissions may be impractical a various matter under consideration that must be subjected to public participation are affected by varying constitutional and statutory timelines. In its view, the Bill obligates a responsible authority to allow a reasonable time for the public to make submissions after taking into account the nature, importance, and impact of the specific matter under consideration and any applicable constitutional or statutory timeline. This period may vary depending on the peculiar circumstances of each matter.

#### **Clause 12**

200. Noting that the clause, as drafted, is silent on the form, content, deadline and method of publication of outcomes, **KLRC** proposed that a public participation report to be published within a thirty (30) day deadline and detail how submissions were considered.
201. **The State Department for Justice, Human Rights and Constitutional Affairs, CAJ, NGEK, KELIN, KCDWG, Bunge Mashinani Initiative, EAWS and other conservation stakeholders, YAA and Rosemary Karanja** proposed introducing a structured feedback mechanism and a mandatory output report or participation matrix to ensure that public input is not only received but meaningfully processed, documented and communicated. Similarly, **NAYA** proposed requiring responsible authorities to provide a mandatory 'You Said, We Did' feedback report.

202. **Katiba Institute** proposed an amendment to require the publication of a comprehensive feedback report for every significant public participation exercise. The report must summarize the public views, stakeholders engaged by type and numbers, detail the decision-maker's response to these views and provide a clear rationale for decisions made contrary to popular submissions.
203. **MCK** and **KSMBC** noted that though the clause requires publication of outcomes it does not specify content, medium or timelines thereby weakening accountability. Thus, MCK proposed inclusion of traceable feedback mechanisms for credible public participation. Similarly, PAWA Initiative proposed including a structure feedback and redress mechanism for the public.
204. **CMD** and **Bajeti Hub** proposed amending sub-clause (1) to include a statement of reasoning on how the views from the public were considered in the outcome. CMD added that sub-clause (2) be amended to indicate the timelines within which the responsible authority facilitating public participation is to publish the outcome. Bajeti Hub also proposed amending sub-clause (2) to specify the format and basic minimum requirements for feedback on public participation.
205. Similarly, **All Saints' Cathedral Church** proposed amending sub-clause (1) to require responsible authorities to categorize the analysis and findings of public participation into administrative boundaries, sex, age and type/form of disability to the extent that is practically possible to ensure public policy decisions are more responsive to the unique needs of the different categories of the people. The Church also proposed amending sub-clause (2) to provide that the responsible authority prepares, publishes and publicizes the report of the public participation indicating the details of how the public views were considered.
206. **EAWS** and other conservation stakeholders also proposed inserting a new sub-clause (3) to require responsible authorities to communicate a complaint, review and appeal mechanism for an alleged flawed public participation exercise.
207. **KBA** proposed inserting new sub-clauses to penalize responsible authorities or officers who publish false, misleading or manipulated outcomes of public participation. To strengthen accountability and transparency.
208. **SCCSN, Vihiga CSOs Network** and **Vihiga Right to Food Ambassadors** were of the view that the clause, as drafted, is too vague. Thus, SCCSN proposed that the clause be amended to embody the feedback mechanism outlined in the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023) on a national monitoring and evaluation framework and annual public participation reporting. In addition, Vihiga CSOs Network and Vihiga Right to Food Ambassadors proposed that all responsible authorities be mandated to submit to the CAJ annual compliance reports on public participation.
209. **Patrick Ang'asa** and **NEC Hub** proposed amending sub-clause (2) to specify the time within which the outcome of the public participation exercise should be published for predictability. Similarly, WeCare Youth Organization proposed that the sub-clause be amended to include the details of the level of inclusivity of PWDs and marginalized groups, a summary of the views received and a feedback mechanism.

210. **CEDGG** proposed amending sub-clause (2) to introduce a fourteen (14) day window for disseminating outcomes after a public participation exercise.
211. **JCJRA** proposed introducing a provision requiring the suspension of any project where 60% or more affected citizens object. In addition, the JCJRA proposed requiring transparent publication and citizen-validated documentation of all participation processes and outcomes and written justification for rejection of any views in line with Article 47 of the Constitution.
212. **Emily J. Ngwiri, Said Kassim, Mukami Gichane and other members of the public** submitted that the clause, as drafted, is vague and subjective to interpretation which in their view may prone to abuse. Thus, proposed amending the clause to ensure public participation exercises that clearly indicate with reasons how each submission was addressed, whether adopted or rejected.
213. **WIRE and Yellow Rose Kenya Limited** proposed inserting a new sub-clause to mandate the publication of a detailed record of engagement within fourteen (14) days of the decision detailing all the views received, technical assessment of the views and clear, written justification for accepting or rejecting the views.
214. **Kelvin Saitoti** submitted that minimum standards be set to include legally enforceable feedback within 30 days. Similarly, Said Kassim submitted the need to ensure timely feedback to the public.
215. **Sheria Watch and an anonymous young Kenyan legal professional and advocate for civic participation** proposed that the clause be amended to ensure uniform, transparent and accountable reporting by mandating every public participation report to include all views submitted, a thematic analysis of the issues raised and reasons for accepting or rejecting views.
216. **CSPEN, Kisii CSOs Network and Said Kassim** proposed amending the clause to include a mandatory and timely feedback mechanism to strengthen the transparency and credibility of the public participation process. In addition, Said Kassim proposed the establishment of a National Public Participation Portal.
217. **WPA-K** proposed requiring responsible authorities to provide gender-disaggregated reporting and documentation of how submissions influenced final policy decisions. NAYA also submitted on disaggregated reporting based on age, gender, disability and location of participants.
218. **Sauti ya Mtaa** proposed the inclusion of a mandatory review of previous outcomes in any public participation exercise including an assessment of implementation status, successes achieved and challenges encountered.
219. **Jimson Mwikamba** proposed the inclusion of a provision to require all the responsible authorities in Part II to submit to the proposed Public Participation Authority public participation reports within 30 days showing how public input was used and/or detailing clear reasons why certain views were not adopted. Thereafter, the Public Participation Authority should publish and publicize the report(s) within five (5) days.

220. In addition, **Jimson Mwikamba** proposed requiring preparation of an annual Public Participation Status Report to be tabled before Parliament and/or County Assemblies by the proposed Public Participation Authority before the fourth month of the following year to track compliance and citizen satisfaction. KELIN and CSPEN also proposed the preparation and submission of an annual report to Parliament or County Assemblies by the responsible authorities at the end of each financial year.
221. Similarly, **Ndata Julius and other members of the public** noted the need to establish a national monitoring framework requiring institutions to publish annual reports on participation activities and outcomes. CPGC submitted on the need to publish participant names and disaggregated data to prevent a participation exercise without practical impact.
222. **Mtoto News International** submitted the need for inclusion of new sub-clauses to provide that where children participate, the report shall include an age-disaggregated record specifying the number of child participants, the modalities used and how their views were considered. Further, a responsible authority shall, within thirty (30) days of publishing the outcome, communicate that outcome to child participants in a child-friendly format through channels accessible to children.
223. **YAA** proposed an amendment to the clause to define 'outcome' as including a matrix of views, a structured public record cataloguing each category of submission received, the responsible authority's response, and written reasons where views were not incorporated. The report must be published in plain language and be publicly accessible.
224. **Njeri Wamwea and Fredrick Bundi** proposed a new sub-clause to require a detailed participation report, comments-and-responses matrix, publication of memoranda and recordings and a twelve-year participation file to enhance review and learning.
225. **Uamuzi Foundation** proposed introducing a standard Log Frame to the relevant authorities to ensure that outputs can be tracked and measured to mitigate gaps that have previously excluded specific groups from participating in public engagement fora.
226. **Hamisi Mwinyikali** proposed amendments to the clause 12 to require the Committee to publish a *matrix of views* indicating the views adopted and rejected and the rationale for the same.
227. **HENNET** proposed to require responsible authorities to publish public participation reports detailing disaggregated data.

#### **Committee Observation**

228. The Committee observed that a feedback mechanism enables the public to appreciate the value of their participation and build confidence in public participation processes. Therefore, the outcome of the public participation should not only be published but also publicized as soon as is practicable taking into account the nature, urgency and impact of the matter under consideration. Further, the Committee was of the view that the intricacies of publication and publicization of outcomes of the public participation may be addressed through the guidelines made by each responsible authority.
229. On the requirement to give reasons for accepting or rejecting the views of the public, the Committee observed that while there is no express constitutional obligation to give

reasons after public participation, reasonable measures should be put in place by the responsible authorities to guide on consideration of views received.

### Clause 13

230. **LSK** proposed amending sub-clause (2) to explicitly adopt the language in Article 7(3)(b) of the Constitution to include Kenya Sign Language as a recognized language of public participation to ensure that deaf participants are not excluded due to language barriers and affirm their right to equal participation.
231. **Katiba Institute** proposed an amendment extending the language assistance requirement in sub-clause (2) to all aspects of the participation process, including the translation of key documents and summaries. Also, to include a requirement of the provision of information in accessible formats for different categories of persons with disabilities such as Braille, Kenya Sign Language interpretation.
232. **NGEC** proposed inserting new sub-clauses to require responsible authorities to provide information to the public when requested and to undertake civic education and sensitization in instances where the public is not conversant with the matters under consideration.
233. **CAJ, KBA, KELIN, KDCWG, CRBH, CSPEN, WeCare Youth Organization and NAYA** proposed inserting new sub-clauses to enhance inclusivity by ensuring access to public participation processes for PWDs, the youth, non-English/Kiswahili speakers and members of the public requiring simplified information through the use of Kenya Sign Language, braille and any other reasonable accommodations necessary to facilitate participation. This is in line with constitutional obligations under Articles 10, 54 and 232 of the Constitution and ensures meaningful, accessible and non-discriminatory participation.
234. **KDCWG, KSMBC and CPGC** noted the need to decentralize public participation including use of village councils at the lowest level in accordance with Articles 6 and 174 of the Constitution on reasonable access to national State organs' services and devolution. **Bunge Mashinani Initiative** also submitted that the Bill lacks clear, practical mechanisms for structured and continuous grassroots engagement across different levels of governance and thus, proposed the inclusion of structured public participation fora at ward, constituency, county and national levels with clearly defined linkages between each level to ensure upward consolidation of citizen views.
235. **MCK** submitted that although meaningful participation depends on informed citizens, the Bill does not expressly provide for proactive disclosure.
236. **SCCSN** submitted that the Bill be amended to ensure inclusivity and accessibility in public participation processes as provided in the Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023) on stakeholder mapping for marginalised groups, disability-friendly infrastructure and venues and documents in plain language and accessible formats.
237. **NEC Hub and WPA-K** proposed that the clause be amended to require the public be supplied with simplified bill summaries and committee briefs to strengthen transparency and access to information.

238. **Emily J. Ngwiri** and **MK Mbugua** stated that sub-clause (2) should focus on more proactive measures beyond language accommodations to ensure participation of marginalised groups, rural communities and illiterate persons. For instance, by including the requirement to provide information in accessible formats, interpretation services and holding meetings in geographically dispersed locations. Similarly, **Said Kassim** proposed that responsible authorities avail information to the public in simple and accessible formats and ensure wide dissemination.
239. **EAITA** proposed amending sub-clause (2) to require responsible authorities to obtain the services of a qualified language professional to facilitate the conduct of the proceedings in a language and medium that the participants understand. In addition, **CEDGG** proposed that sub-clause (2) be amended to provide for Kenya Sign Language as a mandatory requirement for accessibility.
240. **CMD** and **Bajeti Hub** noted the need for an additional sub-clause (3) to provide for Kenya Sign Language interpretation and use of Braille where relevant to ensure that public participation processes are accessible to PWDs.
241. **Mtoto News International** proposed a new sub-clause (3) to provide that a responsible authority shall take measures to ensure children have reasonable access to public participation processes, including by facilitating child-friendly fora, ensuring physical safety of venues, and providing trained facilitation personnel where required.
242. **YAA** proposed the need for the adoption of a tiered accessibility framework for high-impact exercises involving national/county legislation, budgets, and policies; mandate the use of Kenya Sign Language interpretation, Braille, large-print, and audio formats; and for minor administrative decisions require a documented best-effort standard. Furthermore, **YAA** proposed amending sub-clause (2) to recognise disability access as a standalone constitutional obligation independent of language.
243. **NC-POCI** proposed amending the clause to require that outcomes be easily accessible in line with the right of access to information and that Kenya Sign Language interpretation be provided.
244. **PAWA Initiative** proposed adding a new sub-clause to provide for Kenya Sign Language use in public participation processes.
245. **Kisii CSOs Network** proposed inclusion of the use of Kenya Sign Language and Braille as well as local languages and conduct targeted to reach historically excluded groups to promote inclusion and accessibility.
246. **Mau Mau Children Post Colonial Elites** submitted that special mechanisms be put in place to ensure participation of elderly persons and marginalized groups.

#### **Committee Observation**

247. The Committee observed that the Constitution recognises English and Kiswahili as the official languages and further obligates the State to promote the development and use of indigenous languages, Kenyan Sign Language, Braille and other communication formats and technologies accessible to PWDs.

#### **Clause 14**

248. **The State Department for Justice, Human Rights and Constitutional Affairs** proposed amending the clause to balance the public's right to timely, inclusive information with practical realities and resource constraints of responsible authorities.
249. **Katiba Institute** proposed an amendment to include a mandatory provision of documents prior to public engagements. Additionally, they proposed that what amounts to "facilitate" or "access" as used in the clause be defined to avoid ambiguity when it comes to interpretation and implementation.
250. **NGEC** proposed requiring responsible authorities to facilitate the public with information in accessible formats including commonly understood language, braille, large fonts and hard copies for effective participation.
251. **MCK** submitted that although meaningful participation depends on informed citizens, the Bill does not expressly provide for proactive disclosure.
252. **KELIN, KDCWG, Patrick Ang'asa and CSPEN** proposed providing a clear procedure for requesting additional information, designating responsible officers and outlining permissible limitations consistent with Article 35 of the Constitution, the Access to Information Act, Cap. 7M and the Data Protection Act, Cap. 411C
253. **Rosemary Karanja, NAYA, and EAWS and other conservation stakeholders** proposed specifying the use of plain and or local languages, youth-friendly summaries, infographics, translations, Braille and audio formats, online and physical fora as well as outreach programs to ensure access to information caters to PWDs, youth, women's groups, minority communities, non-English speakers, and rural and urban populations.
254. **CRBH, and Ndata Julius and other members of the public** proposed amending the Bill to compel public bodies to disclose all relevant documents including draft Bills, budgets, environmental assessments and policy reports among others before consultations. Further that after participation, institutions be mandated to publish summaries depicting how public views influenced final decisions.
255. **WIRE and Yellow Rose Kenya Limited** proposed the insertion of a new clause requiring a mandatory Non-Technical Summary (NTS) to accompany all complex planning documents for people in non-technical roles. Furthermore, Yellow Rose Kenya Limited was of the view that all marginalized groups including PWDs, the elderly, youth and low-income residents be availed with the requisite technical assistance, access to braille and Kenya Sign Language, and localized information delivery.
256. **EAITA** proposed inclusion of an executive summary of information in plain language to ensure that key aspects of proposed policies and/or implementation roadmaps are clearly understood thereby promoting informed, inclusive and meaningful public participation.
257. **WPA-K, WeCare Youth Organization and CPGC** proposed requiring free and simplified documentation, the use of Kenya Sign Language, braille local language versions and proactive dissemination points to address socio-economic inequality that limits meaningful participation.

258. **Mtoto News International** proposed an addition of a proviso to the clause to provide that, where children are among the persons affected, a responsible authority shall ensure that documents include, or are accompanied by, a child-friendly version in plain language and, where appropriate, in visual or audio formats accessible to children of the relevant ages.
259. **Haki Jamiii, PAWA Initiative, Bajeti Hub and Rev. Simion Kipkoge** proposed prescribing a minimum timeline within which the public must be granted access to relevant documents prior to any public participation process. In Bajeti Hub's view, a fourteen (14) day period would suffice.
260. **Kevin Ombuya** proposed an amendment to the clause to provide that the public should be provided with the documents before public participation for informed decision-making.
261. **Mukiri Michael and Maslahi ya Jamii CBO**, proposed an amendment to provide for a period of at least three (3) days to access documents before the public participation exercise.

#### **Committee Observation**

262. The Committee observed that access to information, guaranteed by Article 35 of the Constitution, is vital for the achievement of meaningful and effective public participation. Therefore, the prior dissemination of information, in official languages and simplified formats by responsible authorities is necessary for effective public participation.

#### **Clause 15**

263. **Katiba Institute** proposed an amendment to delete the Clause, noting that it may be an avenue for claw-back and censorship.
264. **MCK** noted that while the Bill regulates forum conduct it does not safeguard media transparency which is a core element of open governance and public accountability.
265. **KELIN, KDCWG, CSPEN and WeCare Youth Organization** proposed inserting new sub-clauses to give effect to the constitutional principles of openness and public participation under Articles 10, 118, 196 and 232 by clearly defining the rights and obligations of participants in public fora.
266. **CRBH, and Mukami Gichane and other members of the public** submitted that the clause does not provide clear thresholds for what constitutes courteous, respectful and civil conduct and is therefore prone to abuse. Further that, the clause conflicts with Article 33 of the Constitution on the freedom of expression allowing for robust public participation, protest, satire and strong criticism of the government.
267. **WPA-K** proposed inserting explicit provisions on protection from intimidation, harassment, discrimination and gender-based violence (GBV) as well as the establishment of formal complaint channels.
268. **Said Kassim** submitted that the Bill be amended to include safeguards against intimidation, coercion and discrimination.

269. **Emily J. Ngwiri** and **MK Mbugua** submitted that the Bill be amended to include measures to protect participants from retaliation, intimidation and/or legal proceedings for information provided in public interest.

#### **Committee Observation**

270. The Committee observed that, to address the issue on potential intimidation or harassment, the Bill should provide for the enjoyment of the freedom of expression as guaranteed by Article 35 of the Constitution.

271. In addition, the Committee noted that the Bill should be amended to regulate the conduct of persons tasked with conducting public participation during public hearings.

#### **Clause 16**

272. **LSK** and **CRA** proposed amending the clause to require that all specific public participation guidelines provide for disability inclusion, accessibility standards and consultation with representative organizations of PWDs in accordance with Article 27 of the Constitution and section 13 of the Persons with Disabilities Act, 2025.

273. **CAJ, MCK** and **Haki Jamii** proposed replacing the word 'may' with 'shall' to mandatorily obligate responsible authorities to make specific guidelines for public participation.

274. **KELIN** and **CSPEN** proposed introducing a mandatory and time-bound requirement for institutions to develop public participation guidelines that comply with Part III. This would prevent delays, strengthen implementation and ensure consistent and effective public participation across institutions.

275. **KDCWG, WPA-K, and EAWS and other conservation stakeholders** proposed the formulation of uniform guidelines with common standards of public participation that reflect consistency and accountability in the implementation of public participation taking into consideration the bare minimum standards. In KDCWG's view, this would prevent regulatory overlap and confusion in implementation of public participation standards.

276. **Oxygène** proposed amending sub-clause (I) to require the responsible authority to develop guidelines in consultation with relevant stakeholders to promote participatory co-design of public participation frameworks. **NAYA** also proposed an amendment to require the co-creation of guidelines with youth representatives, including young women, PWDs and other marginalized groups.

277. **All Saints' Cathedral Church** submitted the inclusion of a new sub-clause (Ib) to require a responsible authority to outline specific measures taken to guarantee meaningful and safe participation of children.

278. **CRBH** was of the view that the development of specific guidelines for public participation should adopt a multi-sectoral approach and that the responsibility for development be designated with the State Department for Devolution.

279. **WIRE** and **Yellow Rose Kenya Ltd** proposed amending the clause to mandate the Cabinet Secretary to develop a single set of national framework regulations to standardize public participation procedures across all sectors and MDAs.

280. **Sheria Watch** and an anonymous young Kenyan legal professional and advocate for civic participation submitted that allowing each institution to make its own regulations may result in inconsistencies and loopholes. Thus, s/he proposed that the clause be amended to provide for national minimum standards that all institutional guidelines must meet including parliamentary approval and public input before adoption.
281. **Mtoto News International** proposed a new sub-clause (3) to provide that specific guidelines shall include provisions for the meaningful participation of children, and shall be developed in consultation with the National Council for Children's Services and child rights organizations and where feasible, in consultation with children themselves through age-appropriate processes. Moreover, Mtoto News International proposed inclusion of a new clause 16A to require responsible authorities to ensure that staff responsible for public participation involving children receive training in child-friendly engagement methodologies, child safeguarding and the rights of children under the Children Act, Cap. 141 and Kenya's international obligations.
282. **YAA** proposed an amendment to require responsible authorities to consult youth-led organizations, disability rights organizations, and civil society in the development of specific guidelines. Specific guidelines must include an explicit standard for youth and marginalised groups participation.
283. **HENNET** and **Bajeti Hub** proposed including a provision to require mandatory minimum national standards which all responsible authorities should comply with in developing their guidelines.

#### **Committee Observation**

284. The Committee observed that despite the fact that the development of specific guidelines by responsible authorities is discretionary, the Bill is comprehensive enough to address matters concerning public participation. Additionally, any specific guidelines developed and gazetted by a responsible authority must conform with the general guidelines set out in Part II of the Act.

#### **Clause 17**

285. **KELIN** and **CSPEN** proposed amending the clause to ensure timely and accessible publication of guidelines by introducing a publication timeline and requiring online access to promote transparency and compliance with Article 35 of the Constitution.
286. **Oxygène** and **NAYA** proposed amending the clause to specify the formats in which public participation guidelines should be published and disseminated to promote access especially for PWDs, the youth and non-digital users. **NAYA** was of the view that such dissemination should be done beyond the Gazette through digital youth platforms.

#### **Committee Observation**

287. The Committee observed that similar to the publication of legislation and regulations, the Bill requires the publication of the specific guidelines in the Gazette which is the recognized means of officially informing the public.
288. Further, the Committee noted that the access to the specific guidelines is subject to the provisions of Article 35 on the right to access information and the Access to Information Act, Cap. 7M.

### Clause 18

289. **KLRC** noted that sub-clause (1), as drafted, restates constitutional obligations without operationalizing them and thereby proposed introducing minimum legislative participation standards as outlined in *Robert N Gakuru & Others v Governor Kiambu County & 3 Others [2014] eKLR*.
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290. In addition, **KLRC** proposed that sub-clause (2) should obligate the committee of second House to evaluate the public participation report of the Committee of the originating House to avert the risk of inadequate public participation.
291. **Katiba Institute** proposed an amendment to specify that a House may only rely on the original report if no substantive amendments have been made to the Bill. If substantive changes are made, public participation must be conducted. Additionally, each house has a very specific mandate constitutionally that should guide the content of public participation.
292. **KDCWG** proposed deleting sub-clause (3) on joint public participation by the National Assembly and the Senate because the two Houses have unique mandates and therefore allowing joint participation undermines the constitutional assignment of roles of the two Houses.
293. **All Saints' Cathedral Church** proposed an amendment to include a new sub-clause (5) to require the National Assembly and the Senate to provide, in their Standing Orders, specific measures to guarantee meaningful and safe participation of children.
294. **Oxygène** proposed inserting new clauses to require Parliament to publish a detailed report on public participation detailing which views were accepted or rejected with justifications for either decision to demonstrate that public input was genuinely considered. Further that, the report should be made accessible to the public.
295. **NEC Hub** submitted that the Bill be amended to define the responsibilities and obligations of Committees, Office of the Clerks of Parliament and agencies. **NEC Hub** added that the Bill be amended to require annual updates to Parliament's public participation framework. Furthermore, **NEC Hub** noted the need for citizen petitions on failure to facilitate public participation and annual participation audits by the Parliamentary Service Commission.
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296. **Rosemary Karanja** proposed specifying clear criteria when a second participation process is necessary and a harmonized joint committee participation.
297. **Albert Wanjeri** submitted that the Bill be amended to ensure that higher impact Bills and initiatives receive broader public participation with longer timelines and more consideration of diverse views. In addition, Albert Wanjeri proposed inclusion of a two-stage process of public consultations; when applying for the mandate to draft a Bill and upon development and publication of the draft. Furthermore, that a provision to expressly bind Parliament to make decisions that directly align with the majority public view.
298. **Njeri Wamwea** and **Fredrick Bundi** proposed an amendment to clarify that every Bill must undergo public participation, allow joint processes and require additional participation where texts change materially. In their view, the use of the term "may" in

sub-clause (2) risks Bills bypassing participation. In addition, she proposed a new clause 18A to require independent facilitators drawn from LSK, civil society and universities with non-partisan secretariats maintaining records.

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299. **NC-POCI** submitted that the Houses of Parliament should open all their sittings to the public without harassment from security personnel.
300. **HENNET** proposed inserting a new sub-clause (5) to require parliamentary Committees to adopt joint or harmonized public participation exercises to minimize duplication and public fatigue.

#### **Committee Observation**

301. The Committee observed that, due to the unique nature of Parliament, there is need to provide a mechanism to be used by the Houses of Parliament in conducting public participation while ensuring the prudent use of public resources, including holding joint public participation exercise where a Bill is to be considered by both Houses.
302. Furthermore, the Committee observed that mandatorily binding Parliament to implement public views runs contrary to principles of representative democracy and the constitutional autonomy of Parliament under Articles 94 and 95 of the Constitution.

#### **Clause 19**

303. **CAJ** proposed deleting the reference to the Kenya Defence Forces Act as the same is provided under section 6 of the Access to Information Act, Cap. 7M.
304. **KBA** noted that banks are custodians of confidential customer data and thus, proposed expressly referencing the Banking Act, Cap. 488 in the confidentiality clause.
305. **WeCare Youth Organization**, and **EAWS and other conservation stakeholders** noted that there is a risk of overuse of the confidentiality clause and therefore, proposed introducing a schedule that stipulates narrow tests for withholding information with documented justification.
306. **Rosemary Karanja** proposed expanding the clause to clearly provide for how submissions are collected, stored and published in accordance with the Data Protection Act.
307. **Njeri Wamwea** and **Fredrick Bundi** proposed an amendment to replace the clause with a harm test, a public-interest override and mandatory disclosure of core documents with redactions only where justified. In their view, broad secrecy references could hide valuations and key terms from the public.

#### **Committee Observation**

308. The Committee observed that while public participation emphasizes on openness, there exists justifiable reasons for non-disclosure as recognized by the Access to Information Act, Cap. 7M.
309. On data protection by responsible authorities, the Committee noted that compliance with the Data Protection Act, Cap. 411C promotes honest and open engagement.

## Clause 20

310. **KLRC** and **CM Advocates LLP** proposed enhancement of the penalty for non-compliance from five hundred thousand shillings to one million to ensure strict adherence to the Act. KLRC further noted that the current clause creates potential uncertainty as to whether criminal liability attaches to the institutional or individual officer. It thus, proposed the inclusion of a new sub-clause to impose personal liability to mitigate institutional culture of non-compliance.
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311. **CAJ** noted that while personal penalties are welcome, they do not address the status of a law or policy passed in violation of the Act and therefore, proposed that the spirit of deterrence be exhibited. For instance, a penalty of Kshs.500,000 is not a sufficient deterrent for a tender construction of a road worth million or billions. Similarly, **NC-POCI** proposed doubling the fine from Kshs.500,000 to Kshs.1,000,000.
312. **KELIN** and **CSPEN** submitted that the clause, as drafted, does not define conduct constituting an offence and lacks an enforcement framework thus making it vague and unenforceable. Therefore, **KELIN** proposed amending the clause to ensure that such administrative approach aligns with the mandate of the Commission on Administrative Justice and strengthen compliance with Articles 10, 47 and 232 of the Constitution.
313. **KDCWG** noted the need for an elaborate Grievance and Redress Mechanism to reduce costs and time spent on litigation. In addition, **KDCWG** proposed amending the clause to mandate the Office of the Ombudsman to handle complaints emanating from public participation processes. **KDCWG** also proposed that the penalty clause be expanded and given its own section.
314. **Oxygène** proposed amending the clause to strengthen compliance with the principles and obligations of public participation by introducing proportionate and enforceable sanctions for both natural and juristic persons.
315. **KBA** proposed introducing a provision for 'remedial action plans' before imposing penalties on institutions for non-compliance. This is because banks may face operational challenges in implementing participation protocols and as such allowing remedial actions promotes compliance and avoid punitive measures that could disrupt financial services.
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316. **SCCSN** and **Kisii CSOs Network** proposed amending the clause to impose harsher penalties and to insert a new clause to allow for judicial review and nullification of decisions made in violation of the Act.
317. **JCJRA**, **K-MARA** and **KSMBC** proposed imposing administrative and financial penalties including suspension or personal liability for officers who circumvent participation requirements. **K-MARA** added that provisions for disciplinary sanctions under the Public Service Commission framework.
318. **Ndata Julius and other members of the public** proposed inclusion of enforcement mechanisms allowing citizens to petition Parliament or the courts where participation obligations are violated.

319. **Emily J. Ngwiri** was of the view that fines imposed on public institutions are often ineffective as they are paid out of public funds. Hence, proposed amending the clause to hold public officials personally liable as a stronger incentive for compliance.
320. **WIRE** and **Yellow Rose Kenya Ltd** proposed increasing the minimum penalty from five hundred thousand to five million or 1% of the project's development cost (whichever is higher) to be commensurate with the economic risk and cost of non-compliance.
321. **Sheria Watch** and an anonymous young Kenyan legal professional and advocate for civic participation submitted on the express need for safeguards against tokenism by providing a prohibition against public participation where decisions are predetermined, public views solicited or ignored and participation based on inaccessible formats or unreasonable timelines.
322. **WPA-K** proposed inserting penalties for non-inclusive participation, non-compliance with standards or failure to report participation outcomes to promote compliance and prevent tokenism.
323. **WeCare Youth Organization** proposed the inclusion of complementary corrective measures such as requiring the responsible authority to repeat the participation process or issue public notices of non-compliance and provide a mechanism to operationalize citizens constitutional rights under Articles 1 and 118 of the Constitution to safeguard the sovereignty of the people and integrity of governance processes.
324. **Said Kassim** was of the view that the Bill lacks clear enforcement measures and therefore proposed enhancing the penalty for non-compliance and allowing courts to invalidate decisions made without proper participation.
325. **Njeri Wamwea** and **Fredrick Bundi** proposed an increase of the penalties to at least Kshs. 10,000,000 and/or ten years' imprisonment, plus possible disqualification from office and personal liability for loss. In her view, the proposed penalty is too low to deter constitutional breaches.
326. **PAWA Initiative** was of the view that the Bill does not outline what constitutes an offence.

#### **Committee Observation**

327. The Committee observed that the responsible authorities under Clause 6 of the Bill refers to individuals in the institutions outlined. However, the Committee was agreeable with amending the Clause to ensure that the specified responsible authorities are personally liable and that an option of imprisonment be included in the provision.
328. Additionally, the Committee observed the need to provide that a public participation exercise conducted in contravention of the provisions of the Bill may be voided by the Courts.

#### **Clause 21**

329. **CM Advocates LLP** proposed inserting a transitional provision requiring each county government, within two years of the Act's commencement, to review or enact laws aligning local frameworks on public participation and civic engagement with the new Act.

Furthermore, that the Cabinet Secretary in collaboration with the Council of Governors should issue guidelines to facilitate this alignment.

### **Committee Observation**

330. The Committee observed that Article 191 of the Constitution provides for the supremacy of national laws over county law whenever a conflict arises.

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### **3.3.3 General Submissions on the Bill**

331. **CRA** was of the view that the Bill, as drafted, does not address the threshold of public participation and should be amended to address this. Further that the Bill be consolidated with the Public Participation Bill, 2023 (*National Assembly Bill No. 52 of 2023*) and judicial precedent on public participation in the *British American Tobacco Kenya, PLC v Cabinet Secretary for the Ministry of Health and Others [2019] eKLR* and *Robert N Gakuru & Others v Governor Kiambu County & 3 Others [2014] eKLR*.

332. **Bunge Mashinani Initiative** proposed the inclusion of minimum standards for public participation including standards on documentation, recording of proceedings, submissions, attendance and outcomes. Furthermore, Bunge Mashinani Initiative and CPGC were of the view that the Bill does not sufficiently operationalize inclusion and as such proposed a new clause to provide explicit measures to ensure participation of women, youth, PWDs and marginalized communities.

333. **CEDGG** were of the view that for the Bill to meet its constitutional intent, there is need to incorporate detailed minimum standards, mandate the publication of operational regulations within ninety (90) days of enactment and provide clear mechanisms for citizens to challenge inadequate public participation processes.

334. **NC-POCI** proposed that all public participation fora commence with the national anthem and be structured in various tiers including county, regional and national validation tiers. Furthermore, NC-POCI proposed that responsible authorities should disclose the administrative costs of hosting public participation meetings.

335. Furthermore, **NC-POCI** proposed introducing a national award scheme for citizens who have consistently supported public participation since 2010. Similarly, **Mau Mau Children Post Colonial Elites** were of the view that they be compensated for their input in all public participation exercises.

336. **Bajeti Hub** submitted that there is need to ensure that public participation is inclusive and with a wider and more granular geographic and demographic coverage. In addition, Bajeti Hub submitted the need for intergovernmental coordination and consolidated public consultations where appropriate to prevent duplicative participation processes.

337. **PAWA initiative** submitted that public participation should begin from the village spanning to the wards, sub-county up until the national level.

338. **Akiolo** submitted a draft version of a Bill on public participation. However, he did not give any views relating to the instant Bill under consideration.

339. **DICEF** submitted that the Bill should incorporate contemporary strategies for ensuring effective public participation through leveraging technology.
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#### **Committee Observation**

340. The Committee observed the following—

- (a) Public participation is a civic responsibility and inclusion of a threshold of a minimum number of participants may be problematic since numbers alone do not guarantee meaningful public participation.
- (b) The Bill and the amendments to be proposed by the Committee in Part III shall outline the minimum standards for public participation. These include adequate notice and modes of notification, forms of public participation, prior access to documents, a robust feedback mechanism, among others.
- (c) Public participation is a civic responsibility which calls for the personal commitment of citizens and duty bearers for the betterment of the society.

#### **3.3.4 New Proposals**

##### **Institutional and Enforcement Framework**

341. **CAJ** proposed an entire overhaul of Part V to provide for vesting the CAJ with the mandate to oversight the implementation and enforcement of the Act. This would be in line with sections 3(d) and 5(1)(c) of the Access to Information Act, Cap7M that mandates the Commission to ensure access to information and disclosure of information by public entities.
342. **CM Advocates LLP** and **Rosemary Karanja** proposed the establishment of the Office of the Registrar of Public Participation and Civic Engagement as a statutory office with security of tenure to coordinate and oversee the implementation of public participation at national and county levels, maintain a national register of participation and civic engagement reports, and oversight participatory processes across all levels of government, among others.
343. **HENNET** proposed the establishment of the Office of a Registrar of Public Participation to oversee public participation.
344. **CMD** proposed replacing clauses 16, 17 and 18 to provide for the establishment of a central agency mandated to develop a harmonized public participation framework and oversee its implementation and enforcement. Similarly, **Bunge Mashinani Initiative** submitted that there is need to establish an independent authority or commission to oversee public participation and civic education.
345. **KSMBC** proposed an entire overhaul of Part II of the Bill to incorporate the Office of Public Participation and Civic Engagement to oversee effective public participation across the responsible authorities.
346. **JCJRA**, **Jimson Mwikamba**, **Albert Wanjeri** and **Said Kassim** proposed amending the Bill to establish a Public Participation Authority or a Directorate to coordinate, standardize, monitor and oversight participation frameworks from all responsible authorities indicated in Part II of the Bill. This would ensure consistency, accountability and quality participation frameworks across all public entities.

347. **Kelvin Saitoti** proposed the establishment of a National Public Participation Secretariat centralized portal and annual county scorecards.
348. **WPA-K** proposed introducing an Independent Public Participation Oversight and Appeals Mechanism under an independent body such as the KNCHR or a multi-stakeholder oversight board with representation from CSOs, private sector, professional bodies, youth, women, PWDs and faith groups with powers to include monitoring and compliance and prevent conflict of interest where a responsible authority acts both as a referee and player.

#### **Committee Observation**

349. The Committee observed that establishing a central entity to oversee public participation raises serious constitutional concerns on separation of powers among the three arms of government and the independence of Commissions and Independent Offices. In addition, centralization may lead to administrative bottlenecks and slower-decision making, ultimately clawing back on meaningful and effective public participation.

#### **Specific Budgetary Allocation for Public Participation**

350. **CM Advocates LLP** proposed that the Bill should establish minimum standards for financing participation and civic engagement including the creation of a dedicated fund managed by a proposed Registrar of Public Participation and Civic Engagement. Similarly, CPGC proposed the establishment of a dedicated Public Participation Fund and budget lines for transport and logistical support and integrating participation requirements into the Medium-Term Expenditure Framework (MTEF) and Programme-Based Budgeting (PBB).
351. **CAF** proposed an amendment to provide for funding for public participation and civic education by inserting a new clause to require every public institution undertaking public participation to make mandatory budgetary allocation for civic education, mobilization, accessibility support, and facilitation of participation processes.
352. **KELIN, SCCSN, K-MARA, JCJRA and CSPEN** noted the need for responsible authorities to provide for adequate financial resources for the conduct of public participation under the proposed Act. Furthermore, NAYA proposed a new clause to introduce mandatory public participation budget lines for youth facilitation and accessibility.
353. **Ndata Julius and other members of the public** noted the need to require every public entity to allocate specific budget lines for public participation, build staff capacity through regular training on facilitation, inclusion and feedback analysis and introduce mobile rural-mass civic engagement.
354. Similarly, **Boniface Odhiambo Oking'** submitted the need for both national and county governments to allocate adequate funds to facilitate meaningful public engagement and implementation of participation activities.
355. **Bunge Mashinani Initiative** proposed including a new clause to provide for a structured financing framework for civic education and participation being an allocation of 1% of the national budget to a Civic Education and Public Participation Fund. Likewise, Kisii CSOs

Network proposed establishing a Public Participation Fund with mandatory allocations to sustain public engagement operations.

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356. **Kelvin Saitoti** proposed ringfencing participation funding by providing a minimum allocation of 2% of recurrent budgets verified annually by the Controller of Budget and Auditor-General.
357. **NC-POCI** proposed that responsible authorities must cater for the transport and accommodation of formally invited participants for public participation exercises held in Nairobi. Similarly, **Mau Mau Children Post Colonial Elites** proposed that the Bill provides for reasonable allowances to cover transport and basic expenses for participants, especially vulnerable groups like war veterans.
358. **HENNET** and **Bajeti Hub** proposed inserting a new clause to provide for a dedicated funding mechanism for public participation exercises and civic education.

#### **Committee Observation**

359. The Committee observed that the realization of effective public participation requires adequate budgetary allocation to facilitate the necessary processes of engaging the public. Responsible authorities should allocate adequate funds for public participation within their annual budgets. Also, the Committee noted that prudent use of resources is provided as one of the principles of public participation in the Bill.

#### **Modes of Participation**

360. **CM Advocates LLP** proposed that the Bill introduces tiered participation to classify public participation into tiers based on the complexity and technical nature of the issue of project for informed decision-making incorporating citizen knowledge with professional expertise. In its view, Tier I to encompass general public consultations for policies or projects requiring broad-based citizen input and Tier II to involve specialised stakeholder engagement, including expert fora, technical working groups and professional associations. **KSMBC** was of the same view noting that public participation should include technical working groups and the diaspora community.

#### **Committee Observation**

361. The Committee observed that the nature of the matter under consideration is a factor that a responsible authority must consider when undertaking public participation. This will inform the mode of public participation selected, including consulting relevant stakeholders and experts.

#### **Citizen-Led Public Participation**

362. **KSMBC** proposed the inclusion of a new clause on government facilitation for a citizen-led public participation forum to be financed by the proposed Office of Public Participation and Civic Engagement.

#### **Committee Observation**

363. The Committee observed that the responsibility leading a public participation exercise is placed on each responsible authority which is obligated to conduct public participation. The responsible authorities are required to ensure inclusivity in the process of engaging the public.

### **Implementation Framework/Provision for Regulations**

364. **CM Advocates LLP** noted the need for regulations to provide for a standardized tool for engagement and stakeholder mapping as well as specifying standardised timelines to avoid extremely dragged participation processes.
365. **CM Advocates LLP, KELIN and CSPEN** noted the need for a provision to mandate the Cabinet Secretary to develop regulations on civic engagement and participation standards necessary to operationalize the Act. Subsequently, CM Advocates LLP proposed including a new definition of “Cabinet Secretary” to mean the Cabinet Secretary responsible for matters relating to public participation and civic engagement.
366. **MCK** submitted the need for a clause to provide for procedural validity of public participation in accordance with Kenyan constitutional jurisprudence requiring meaningful public participation and to deter perfunctory compliance.
367. **Kelvin Saitoti** proposed the inclusion of an implementation framework to ensure responsible authorities adopt a system that is enforceable, measurable and citizen-driven.

### **Committee Observation**

368. The Committee observed that the Bill provides for the minimum standards of public participation which may be elaborated further by the responsible authorities through development of specific guidelines which will be tailor-made for the respective entities.

### **Relationship with other Laws and Review**

369. **KELIN and CSPEN** proposed amending the Bill to provide for how the Bill should operate within the broader statutory framework on public participation.
370. **HENNET** proposed including a new clause to provide for periodic review of the Act by Parliament to adapt to technological and demographic changes.

### **Committee Observation**

371. The Committee observed that the Bill, once enacted, will provide for an overarching framework on public participation which can be reviewed through the legislative powers of Parliament.

### **Resolving Public Participation Disputes**

372. **JCJRA** proposed introducing binding timelines and appeal mechanisms for resolving participation disputes either through courts of law, the Ombudsman or any other recognized alternative dispute resolution mechanism.
373. **Bunge Mashinani Initiative** submitted that there is no clear mechanism for handling public violations or complaints and, therefore, proposed including a clause to provide for an avenue for compliant handling and administrative remedies.
374. **Kelvin Saitoti** proposed the inclusion of a national grievance redress system with clear timelines, appeals and protection against victimization. Similarly, Bajeti Hub proposed inserting a new clause to provide for enforcement and legal remedies.

375. **WPA-K** also submitted that the Bill provides for citizen-triggered public participation review mechanism to enable citizens and/or CSOs to request review or commencement of public participation where it is deemed inadequate.

#### **Committee Observation**

376. The Committee observed that the Constitution and other written laws have created mechanisms for addressing public complaints. Notably, the Commission on Administrative Justice is one of the mechanisms established to address complaints against public institutions. Further, a person has the right to institute court proceedings to challenge decisions that fall short of the framework put in place for public participation.

#### **County Legislation**

377. **NGEC** submitted that the Bill be amended to include a clause on county legislation to require county governments to enact county-specific legislation generally for the better carrying out of the purposes and provisions of the Act.

#### **Committee Observation**

378. The Committee observed that the Bill applies to county governments when conducting public participation. The Bill serves as the overarching framework for public participation that will guide county assemblies when they choose to enact county specific legislation on public participation.

#### **Land Use, Spatial Planning and Development Control**

379. **K-MARA** submitted that land-use charges and development approvals often proceed without engaging affected communities contrary to planning statutes. Thus, K-MARA proposed that the Bill be amended to mandate documented participation of affected resident associations and recognized municipal umbrella bodies before change of user, environmental approval or major development license. This would be in line with the Article 69 of the Constitution, the Physical and Land Use Planning Act, Cap. 303 and the Environment Management and Conservation Act, Cap. 387.

380. **Njeri Wamwea** and **Fredrick Bundi** proposed a new clause to introduce special rules for decisions on public assets and land use, including a 60-day minimum period with multiple local and national hearings and mandatory disclosure of valuations and regulator opinions. High-stakes asset and land-use decisions require deeper engagement than ordinary policies.

#### **Committee Observation**

381. The Committee observed that by virtue of the provisions of Clause 7, the nature, importance or impact of a matter under consideration are some of the factors to be considered by a responsible authority when undertaking public participation.

### **3.3.5 Reservations on the Bill**

382. **Jaine Kalibo** and **Nicolette Kurwa** expressed reservations on the Bill. They stated as follows:

383. **Jaine Kalibo** opposed the Bill in its entirety. In her view, the Bill is vague, discriminatory and open to abuse.

384. Nicolette Kurwa opposed the Bill noting that it does not clarify the threshold for public participation.

**Committee Observation**

385. The Committee observed that the Bill seeks to regulate the conduct of public participation by setting principles and guidelines that shall apply to each person or entity obligated to involve the public in decision-making.

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## CHAPTER FOUR

### 4 PUBLIC HEARINGS IN THE COUNTIES

#### 4.1 Background Information

386. In accordance with Article 118(b) of the Constitution and Standing Order 127(3) and 3(A) of the National Assembly Standing Orders, the Committee vide an advertisement dated 2<sup>nd</sup> March 2026 (*Annexure 4*) invited the public to submit views by way of public hearings in twenty-four (24) counties.

387. The twenty-four counties were: Mombasa, Kwale, Kilifi, Tana River, Isiolo, Meru, Embu, Machakos, Makueni, Nyeri, Kiambu, Uasin Gishu, Laikipia, Nakuru, Kajiado, Kericho, Kakamega, Vihiga, Bungoma, Busia, Kisumu, Kisii, Nyamira and Nairobi.

#### 4.2 Public Hearings at the Counties

388. During the public hearings exercise, members of the Public were sensitized on the Bill and afforded an opportunity to engage in public discussion by making oral submissions on the Bill. They submitted as follows:

##### 4.2.1 Mombasa County

389. The public hearing exercise was held at the Tononoka Social Hall, Mombasa on Wednesday, 25<sup>th</sup> March 2026 between 10.00 am and 12 noon.



*Figure 1: Public hearing exercise in Mombasa County*

390. A majority of the participants supported the Bill, stating as follows:
- The Bill is timely and necessary as it seeks to give effect to constitutional provisions on public participation. This would strengthen citizens' involvement in governance and promote transparency and inclusiveness.
  - The Bill would establish a structured and uniform framework for public participation across both levels of government.
  - The Bill would also provide an opportunity for the citizens to raise concerns on matters affecting them.
391. Whilst supporting the Bill, some members of the public highlighted the following concerns:
- A need to provide for minimum public participation thresholds such as the number of participation fora and timelines.
  - Limited civic awareness which may hinder effective public participation.
  - Inclusivity challenges for PWDs and those living in remote areas.
  - A risk of tokenism. Participants emphasized that public participation should go beyond formality and procedural compliance by ensuring meaningful, inclusive, and accountable engagement of the citizenry.

- (e) Safety concerns over handling personal data during public participation exercises.
- (f) A limited reach of some modes of notifying the public, including newspapers. The participants noted the need for a wide range of tools for notifying the public, including social media platforms and radio.
- (g) Low literacy levels which may necessitate the provision of documents in other languages such as Kiswahili.
- (h) The need to establish a Public Participation Board/Authority to coordinate citizen involvement in governance and law-making processes.

392. **Hamisi Mwinyikali, Kevin Ombuya and Hilaria Mluli Farrar** proposed amendments to specific clauses of the Bill as contained and considered in Chapter Three of this Report. Additionally, the **Coastal Regional Budget Hub, Network for Adolescent and Youth of Africa (NAYA)** and **Mr. Said Kassim** attended the public participation forum and submitted written memoranda whose analysis is contained in Chapter Three of this Report.

#### 4.2.2 Kwale County

393. The public hearing exercise was held at the Kwale Cultural Centre, Matuga on Thursday 26<sup>th</sup> March 2026 between 10.00 am and 12 noon.



Figure 2: Public hearing exercise in Kwale County

394. A majority of the participants supported the Bill, stating as follows:
- (a) The Bill would enhance public participation by providing a structured framework for the public to submit views on various issues under consideration, including policy formulation and legislation.
  - (b) The Bill would also provide a legal framework to guide public participation in the country.

395. The members of the public, citing economic challenges, reiterated the need for facilitation to participate in engagement fora, including the provision of reimbursements for transport expenses. In addition, the participants emphasized the need for timely provision of the documents for informed decision-making.

396. **Daisy Neema** proposed amendments to specific clauses of the Bill as contained and considered in Chapter Three of this Report. In addition, the **Coastal Regional Budget Hub** attended the public participation forum and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### 4.2.3 Kilifi County

397. The public hearing exercise was held at the Malindi Town Municipal Hall, Malindi on Tuesday, 24<sup>th</sup> March 2026 between 10.00 am and 12 noon.



Figure 3 : Public hearing exercise in Kilifi County

398. A majority of the participants supported the Bill, stating that it would streamline public participation. However, the participants emphasized the need for the following:
- (a) Facilitation of the public to attend public participation fora, including transport reimbursements.
  - (b) Inclusive public participation through recognition and facilitation of various categories, including the youth and PWDs.
  - (c) Consideration of the input of the public during public engagements and adherence to the set standards of participation.
  - (d) Empowerment of the National Government Administration Officers (NGAO) structure for the coordination of public participation at the local level, including the creation of awareness.
  - (e) Leveraging technology to enhance public participation, including online links for submission of views and the use of social media platforms to create awareness.
399. Some participants proposed the following amendments:
- (a) The need to prescribe minimum number of attendees required for a forum to qualify as a public participation forum and ensure that the exercise is not merely a formality.
  - (b) Specific notice period for public participation and timely provision of the relevant documents and information, including simplified versions for informed input from the public.
  - (c) A feedback mechanism to document and communicate the consideration of public views by the responsible authorities. This will help to enhance the influence of the public views in the formulation of laws, policies, projects and budget scrutiny.
  - (d) Civic education before public participation to empower the public to make informed decisions and input.
400. In addition, the **Coastal Regional Budget Hub** attended the public participation forum and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### 4.2.4 Tana River County

401. The public hearing exercise was held at the Tana Delta Education Centre, Garsen on Monday 23<sup>rd</sup> March 2026 between 10.00 am and 12 noon.



Figure 4 : Public hearing exercise in Tana River County

402. A majority of the participants supported the Bill stating as follows:

- (a) The Bill would strengthen and enhance public participation, especially in county governments. The residents highlighted key challenges hampering effective public participation at the devolved units, including:
  - (a) limited access to information;
  - (b) inadequate notice period;
  - (c) logistical challenges, including access to venues earmarked for public participation; and
  - (d) lack of consideration of their input on policies, laws and projects.
- (b) The Bill was timely, noting the need for a framework to provide for a structured and standardized process of engaging the citizenry on matters of law, budgets and policies. In addition, public participation will cover various sectors including health and education.
- (c) The Bill would enhance inclusivity in public participation by ensuring representation of persons with disabilities, youth, women and other special interest groups. The members of public reiterated the need for devolving public engagement at the grassroots for effective and inclusive participation.
- (d) Effective public participation during projects initiation and implementation would reduce conflicts and foster community ownership of the same. Citing a lack of public participation, the members of public highlighted projects facing opposition by the community.

403. Some participants proposed amendments to provide for:

- (a) A feedback mechanism or reporting on views and input of the public during public participation.
- (b) Inclusion of a compliance schedule to the Bill for effective implementation and enforcement of the provisions by the responsible authorities.

#### **4.2.5 Isiolo County**

404. The public hearing exercise was held at the Catholic Diocese Hall, Isiolo on Thursday 26<sup>th</sup> March 2026 between 9.00 am and 11.00 am.

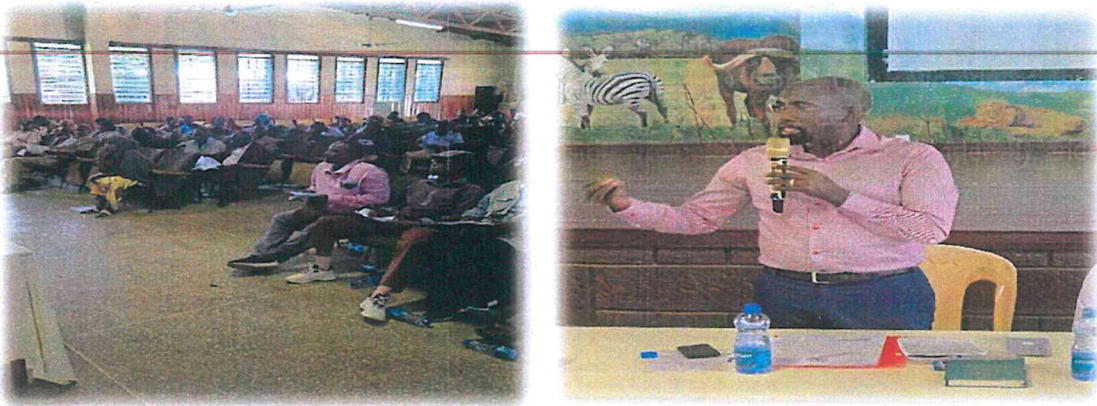


Figure 5: Public hearing exercise in Isiolo County

405. A majority of the participants supported the Bill stating as follows:

- (a) The Bill accords the public an opportunity to participate in the public policy decisions of the country;
- (b) The public participation process enriches the policy discourse on a subject matter by benefitting from the opinions of various actors; and
- (c) The public participation process accords the public an opportunity to raise with the policy makers any other issue that may require immediate attention from the policy maker.

406. Some participants proposed the following amendments to the Bill:

- (a) Amend clause 9(1) by deleting the word '*may*' and replace it with the word '*shall*' to make it mandatory for the responsible authority to notify the public about its intention to conduct public participation exercise;
- (b) Amend the Bill by providing for a reasonable time within which a public participation process may be conducted depending on the subject matter;
- (c) Amend the Bill by expressly providing for the satisfactory inclusion of the persons with disability by ensuring they are accorded the necessary tools to facilitate their participation in any public participation processes; and
- (d) The Bill should provide a feedback mechanism for the public after the conclusion of a public participation process.

#### 4.2.6 Meru County

407. The public hearing exercise was held at the Kamunde Hall, Meru on Thursday 26<sup>th</sup> March 2026 between 2.00 pm and 4.00 pm.



Figure 6: Public hearing exercise in Meru County

408. A majority of the participants supported the Bill stating as follows:

- (a) The Bill gives effect to the constitutional principal of participation of the people in governance by providing a legal framework for the conduct of public participation; and
- (b) The Bill gives the public an opportunity to contribute to the decision-making process in the country.

409. Some participants proposed the following amendments on the Bill:

- (a) The role of the NGAO must be recognized in the Bill because of the crucial role they play in supporting public engagement exercises.
- (b) The financing of the public participation process must be budgeted to facilitate the participants.
- (c) There should be a provision in the Bill that allows the public to give their views virtually which is a cost-effective mode of engagement.
- (d) There should be a provision that provides for transport reimbursement for participants in the public participation process.

#### 4.2.7 Embu County

410. The public hearing exercise was held at the Talent Academy, Embu on Friday 27<sup>th</sup> March 2026 between 9.00 am and 11.00am.



Figure 7: Public hearing exercise in Embu County

411. A majority of the participants supported the Bill stating as follows:

- (a) The Bill provides the public with an opportunity to actively participate in the formulation and shaping of public policy decisions within the country.
- (b) The public participation process enhances policy discourse by incorporating diverse perspectives and insights from a broad range of stakeholders.
- (c) The process further enables the public to highlight additional issues of concern that may require immediate attention and intervention from policymakers.

412. Some participants proposed the following amendments on the Bill;

- (a) Amend clause 20 of the Bill to include a prison sentence of one year for any responsible authority that wilfully fails to adhere to the principles and guidelines set out under this Bill.
- (b) Designate places at the constituency level to receive written submissions during public participation such as the NG-CDF Offices.
- (c) Civic education is a precursor to any successful public participation process and therefore there should be continuous civic education for the public.
- (d) The Bill should provide for a feedback mechanism for the public on any matter subjected to public hearing.

#### 4.2.8 Machakos County

413. The public hearing exercise was held at the Catholic Hall, Machakos on Monday 23<sup>rd</sup> March 2026 between 2.00 pm and 4.00 pm.



Figure 8: Public hearing exercise in Machakos County

414. A majority of the participants supported the Bill stating as follows:

- (a) The Bill is viewed as an essential instrument to establish a legally binding and standardized engagement procedure nationwide.
- (b) The current methods feel like participation is just a box-ticking exercise. To get people genuinely involved, there is need to pick meeting times and venues that are accessible to everyone.
- (c) By establishing a clear, standardized law, the government will prevent the procedural failures that have previously led to the nullification of major reforms by the courts.

415. Some participants proposed the following amendments to the Bill:

- (a) There was a major concern that the Bill do not adequately cater to PWDs. Participants called for the mandatory inclusion of braille versions for the visually impaired and Kenya Sign Language interpretation for the deaf.
- (b) Stakeholders emphasized the need to ensure that the process is inclusive of women, youth and those in remote areas who face environmental barriers to attend public participation fora.
- (c) A recurring reservation was the absence of a clear legal obligation for authorities to demonstrate how public input actually influenced the final decision. Stakeholders called for a transparent feedback mechanism where citizens can trace the impact of their voices.

416. In addition, **Mau Mau Children Post Colonial Elites** attended the public participation forum and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### 4.2.9 Makueni County

417. The public hearing exercise was held at the Wote Green Park Gardens, Wote on Monday 23<sup>rd</sup> March 2026 between 9.00 am and 11.00 am. The participants submitted as follows:



Figure 9: Public hearing exercise in Makueni County

418. A majority of the participants supported the Bill stating as follows:

- (a) Stakeholders commended the Bill as a substantive advancement and a vital mechanism for establishing a mandatory uniform framework for public participation across all levels of government.

- (b) They asserted that the existing engagement processes lack transparency and accessibility.
- (c) The Bill's inclusion of a Kshs.500,000 fine for responsible authorities who wilfully neglect participation guidelines would serve as a foundational accountability mechanism.
- (d) By involving a diverse cross-section of the public, policymakers gain access to contextual knowledge and innovative ideas that lead to more effective and responsive laws.

419. Some participants proposed the following amendments to the Bill:

- (a) Responsible authorities should publish reports showing how public input actually influenced final decisions.
- (b) The call for braille versions and Kenya Sign Language interpretation for persons with disabilities (PWDs).
- (c) The proposed fine for officials who wilfully neglect participation guidelines be increased to Kshs. 1,500,000 to ensure a sufficient preventive outcome.
- (d) Some of the participants stated that there was need to advocate for mandatory civic education before participation exercises to equip individuals with the requisite knowledge and information to familiarize with the subject matter.
- (e) There was need to focus on ensuring women and youth in remote counties are not left out.
- (f) Participants noted that many individuals incur significant travel costs to reach public participation forum venues, which are often centralized in county headquarters, effectively locking out those from rural sub-counties.

#### 4.2.10 Nyeri County

420. The public hearing exercise was held at the Nyeri Cultural Centre Hall, Nyeri on Wednesday 25<sup>th</sup> March 2026 between 9.00 am and 11.00 am.



Figure 10: Public hearing exercise in Nyeri County

421. A majority of the participants supported the Bill stating as follows:

- (a) The Bill operationalizes constitutional principles that require citizen involvement in governance processes.
- (b) The public participation framework offers the citizens an opportunity to give contextual insights that can improve policy design and implementation strategies.
- (c) Public participation deepens democracy by ensuring that citizens are directly involved in decision-making processes beyond periodic elections.

422. Some participants proposed the following amendments on the Bill:
- (a) Given that civic education underpins effective public engagement, the Bill should provide for ongoing and structured civic education for the public.
  - (b) The Bill should identify and designate accessible venues at the constituency level, such as NG-CDF offices, to facilitate the submission of written views during public participation from multiple participants in different areas.
  - (c) The Bill should further include provisions establishing a feedback framework to keep the public informed on the outcomes of issues subjected to public participation.

423. In addition, **Mau Mau Children Post Colonial Elites and the Coalition for Peace and Gender Champions (CPGC)** attended the public participation forum and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### 4.2.11 Kiambu County

424. The public hearing exercise was held at the Kiambu Municipal Hall, Kiambu on Saturday, 28<sup>th</sup> March 2026 between 9.00 am and 11.00 am.



Figure 11: Public hearing exercise in Kiambu County

425. A majority of the participants supported the Bill, stating as follows:
- (a) ~~The Bill would promote public involvement in decision-making and provide~~ guidelines for conducting public participation. However, public participation must be meaningful, accountable to the citizenry, and accessible to all, including at the grassroots level. In addition, public participation should involve all stakeholders, including Community-Based Organisations (CBOs) and youth groups.
  - (b) Further, members of the public recommended that the relevant responsible authorities conduct civic education on matters under consideration. This would promote effective and active participation.
426. Some participants submitted that the Bill is not necessary, citing various provisions, including:
- (a) Sections 11 and 12 of the Public Service (Values and Principles) Act, Cap. 185C which provide for public participation in the promotion of values and principles of public service and in policy making.
  - (b) Section 52 of the County Governments Act, Cap. 265 which provides for the establishment of the office of village administrator with functions including assisting the village unit to develop the administrative capacity for the effective exercise of the functions and powers and participation in governance at the local level.

(c) Article 174 (c) of the Constitution which provides for powers of self-governance to the people and participation of the people in the exercise of powers of the State and in making decisions affecting them.

427. Some participants proposed amendments to provide for:
- (a) Establishment of a Public Participation Commission for management and accountability in relation to the engagement of the public.
  - (b) A feedback mechanism to provide for a reporting framework on consideration of public input. This would enhance the accountability and legitimacy of proposed legislation and policies.

428. **Mukiri Michael** and **Maslahi ya Jamii CBO** proposed amendments to clause 14 as contained in Chapter Three of this Report. In addition, **Bunge Mashinani Initiative** and **Sauti ya Mtaa** attended the public participation forum and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### 4.2.12 Uasin Gishu County

429. The public hearing exercise was held at the County Hall Uasin Gishu, Eldoret on Saturday 28<sup>th</sup> March 2026 between 10.00 am and 12 noon.



Figure 12: Public hearing exercise in Uasin Gishu County

430. A majority of the participants agreed with the enactment of the Bill to regulate the principle of public participation as enshrined in various Articles of the Constitution including Article 10 on the national values and principles of governance.
431. During the public hearing, the members of the public made the following submissions:
- (a) to ensure meaningful public participation, the Bill should provide for a threshold of public participation conducted through public hearings;
  - (b) those who participate in public hearings should be the people who are directly affected by the matter under consideration;
  - (c) provision of a feedback mechanism which will show how the views of the public have been taken into consideration by the responsible authorities;
  - (d) the Bill should include a provision on facilitation of the public to attend and participate through payment of transport allowance;
  - (e) the members of the public require to be sensitized on the matter under consideration prior to giving views;
  - (f) the members of the public require at least fourteen (14) days' notice before participating in any forum seeking to collect views from the public;

- (g) ensure effective participation of the minorities and marginalized groups including PWDs, youth, women and the elderly persons in the society;
- (h) when processing responses, a responsible authority should provide reasons for agreeing or rejecting the views of the public;
- (i) ensure public participation exercises are conducted in accordance with Article 27 of the Constitution on equality and freedom from discrimination;
- (j) the responsible authorities to include private sector actors who make and implement decisions affecting the public; and
- (k) the responsible authorities to avail the necessary documents to the public in advance.

432. In addition, **Mau Mau Children Post Colonial Elites** from West Pokot and Trans Nzoia and **Rev. Simion Kipkogei** attended the public participation forum and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### 4.2.13 Laikipia County

433. The public hearing exercise was held at the NG-CDF Hall, Nanyuki on Wednesday 25<sup>th</sup> March 2026 between 2.00 pm and 4.00 pm.



Figure 13: Public hearing exercise in Laikipia County

434. A majority of the participants supported the Bill stating as follows:

- (a) The Bill provides clear guidelines, timelines, and mechanisms for participation, reducing arbitrariness and inconsistency across institutions;
- (b) Policies shaped with citizen input are more aligned with public needs, leading to more effective and efficient service delivery;
- (c) A structured participation framework ensures marginalized and underrepresented groups have a voice in governance; and
- (d) Engaging stakeholders early reduces resistance, builds consensus and minimizes disputes during policy implementation.

435. Some participants proposed the following amendments to the Bill;

- (a) Provision should be made for adequate funding to effectively facilitate public participation activities, including support for participants.
- (b) The Bill should include mechanisms that allow for virtual submission of views, as a more affordable and accessible form of engagement.

- (c) The Bill ought to acknowledge the role of NGAO, given their key responsibility in supporting public participation initiatives.

#### 4.2.14 Nakuru County

436. The public hearing exercise was held at the Kenya Red Cross Hall, Nakuru Town on Monday 23<sup>rd</sup> March 2026 between 8.00 am and 10.00 am.



Figure 14: Public hearing exercise in Nakuru County

437. A majority of the participants supported the Bill stating it is necessary to have a legislative framework in place which will make provisions for the conduct of public participation in governance as enshrined in the Constitution.

438. The members of public submitted as follows, that:

- (a) the Bill needs to ensure effective participation of the minorities and marginalized groups including provision of appropriate venue for meetings and appropriate hours of meetings;
- (b) timely access to the necessary documents and information in a language that is easy to comprehend including accessible formats for PWDs;
- (c) the Bill should provide timely notice to the members of the public before a public participation exercise is undertaken;
- (d) the Bill should include a provision on facilitation to allow members of the public to attend and participate;
- (e) the responsible authorities should be expanded to include the Comptroller of State House and the Head of Public Service;
- (f) the Bill should provide that officials tasked with conducting public participation should conduct themselves in a courteous and respectful manner; and
- (g) the Bill should provide for a reward scheme for serious participants.

439. In addition, the **Nakuru County Public Opinion Consultative Institute (NC-POCI)** and **Centre for Enhancing Democracy and Good Governance (CEDGG)** submitted a written memoranda whose content is contained in Chapter Three of this report.

#### 4.2.15 Kajiado County

440. The public hearing exercise was held at the Maasai Technical Institute Hall, Kajiado on Tuesday 24<sup>th</sup> March 2026 between 10.00 am and 12 noon.



Figure 15: Public hearing in Kajiado County

441. A majority of the participants supported the Bill stating as follows:
- (a) Public participation is paramount in public governance since it gives the public an opportunity to own public processes.
  - (b) The Bill gives effect to the principles of public participation as enshrined in Articles 1, 10, 35, 69, 118, 174, 184, 201 and 232 of the Constitution.
  - (c) Public participation allows the public make informed decisions resulting in improved public trust in governance processes.
  - (d) The Bill allows the public to exercise the sovereign power directly as envisaged under Article 1 of the Constitution.
442. Some participants proposed the following amendments to the Bill citing the following:
- (a) The participants stressed the need to specify the threshold on the number of participants for public participation exercises based on the subject matter.
  - (b) Introduction of a recourse mechanism for the public in scenarios where they have contrary opinion with the outcome of the public participation processes.
  - (c) The creation of a Public Participation Fund to finance the logistical needs of the public participation process including transport reimbursement.
  - (d) An increase of the fine for non-compliance from Kshs. 500,000 to Kshs. 1,000,000.

#### 4.2.16 Kericho County

443. The public hearing exercise was held at the ACK Church Hall, Kericho Town on Monday 23<sup>rd</sup> March 2026 between 2.00 pm and 4.00 pm.



Figure 16: Public hearing exercise in Kericho County

444. A majority of the participants agreed with the provisions of the Bill which seeks to regulate the constitutional principle of public participation which is an indispensable element of democracy. They reiterated that the right of the public to participate in governance is important in promoting the social inclusion.

445. In particular, the participants at the public hearing submitted as follows, that:

- (a) on notification of the public before conduct of a public participation exercise, there is need to specify a timeline of at least fourteen (14) days' notice;
- (b) the Constitution obligates the State to promote the use of indigenous languages, therefore, the responsible authorities should ensure public participation exercise is conducted in local/indigenous language if possible;
- (c) the Bill may provide for the use of chiefs and village elders as a mode of notifying the public of an upcoming public participation exercise;
- (d) there should be an effective feedback mechanism which gives an opportunity to the public to interrogate with manner in which the views of the public were taken into account;
- (e) the members of the public require facilitation such as fares to attend public hearings;
- (f) the modes of public participation may include stakeholders and experts' engagement; and
- (g) the Bill needs to include a provision on sensitization of the public before conducting a public participation exercise to enable the members of the public submit their views from an informed point of view.

#### 4.2.17 Kakamega County

446. The public hearing exercise was held at the Magharibi Hall, Kakamega town on Thursday 26<sup>th</sup> March 2026 between 8.30 am and 10.30 am.



Figure 17: Public hearing exercise in Kakamega County

447. A majority of the participants supported the Bill stating that the enactment of the Bill is timely in order to regulate the conduct of public participation which is a national value and principle of governance provided by the Constitution.

448. The participants made the following recommendations:

- (a) the responsible authorities should allocate adequate resources through their respective budgets to facilitate the attendance of members of the public to public hearings to enable them submit their views;
- (b) the notice issued by a responsible authority before undertaking a public participation exercise should be issued at least twenty-one (21) days prior to the exercise;

- (c) the penalty for failure to adhere to the principles and guidelines should attract a stiffer fine to promote compliance;
- (d) to help deal with the issues raised on facilitating the attendance of members of the public, the public hearings may be held at the sub-county level;
- (e) there should be penalty for failure by the responsible authorities to take into account the views of the public;
- (f) the responsible authorities may leverage on technology to facilitate access to documents relating to a matter under consideration in a public participation exercise;
- (g) the Bill may provide for a sensitization mechanism to enable the members of the public to effectively contribute to the matter under consideration;
- (h) the establishment of a Directorate of Public Participation to ensure coordination of public participation exercises; and
- (i) on the modes of making submissions, the Bill may allow for anonymous submission of views.

449. In addition, **Mau Mau Children Post Colonial Elites** attended the public participation forum and submitted a written memorandum whose content is contained in Chapter Three of this Report.

#### 4.2.18 Vihiga County

450. The public hearing exercise was held at the Praise Centre Church, Mbale on Wednesday 25<sup>th</sup> March 2026 between 2.00 pm and 4.00 pm.



Figure 18: Public hearing exercise in Vihiga County

451. A majority of the participants agreed with the enactment of the Bill to regulate the principle of public participation as enshrined in various Articles of the Constitution including Article 10 on the national values and principles of governance.

452. In particular, the members of the public submitted as follows:

- (a) the public should be afforded reasonable chance to express their views;
- (b) inadequate funding for public participation has reduced the quality and frequency of participation, therefore the responsible authorities should promote effective public participation through planning and budgeting;
- (c) establish of a directorate of public participation to coordinate and manage the conduct of public participation;
- (d) the views and recommendations by the public should be published and publicized;
- (e) the notice issued by a responsible authority before undertaking a public participation exercise should be issued at least fourteen (14) days prior to the exercise;

- (f) the Bill to make provisions on civic education which will help address the issue of citizen apathy;
- (g) inclusion of a provision to sanction a responsible authority that fails to take into account the views of the public;
- (h) the members of the public require facilitation to attend public hearings;
- (i) access to documentation in hard copies and in both English and Kiswahili, and if possible local languages;
- (j) the public hearings may be devolved to the ward level; and
- (k) develop the capacity of persons conducting public participation through training.

453. In addition, **Vihiga Right to Food Ambassadors** and **Vihiga CSOs Network** attended the public participation forum and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### 4.2.19 Bungoma County

454. The public hearing exercise was held at the Red Cross Hall, Kanduyi on Friday 27<sup>th</sup> March 2026 between 11.00 am and 1.00 pm.



Figure 19: Public hearing exercise in Bungoma County

455. A majority of the participants agreed with the enactment of the Bill to regulate the principle of public participation as enshrined in various Articles of the Constitution including Article 10 on the national values and principles of governance.

456. During the public hearing, the members of the public made the following submissions:
- (a) for effective public participation to be achieved, the members of the public require timely notification of a public participation exercise;
  - (b) responsible authorities may tap on the use of local *barazas* and religious institutions to notify the public of an upcoming public hearing;
  - (c) the Bill should ensure the public access documents in advance;
  - (d) public participation exercises should be inclusive where PWDs are give an opportunity to attend public hearings as well as make submissions during public hearings;
  - (e) public participation should be a mandatory exercise in all levels of government;
  - (f) the notice given by a responsible authority prior to a public hearing should be at least fourteen (14) days' notice;
  - (g) responsible authorities to report the outcome of a public participation exercise within twenty-one (21) days;
  - (h) the Bill should provide for a penalty for failure to conduct public participation;

- (i) include a provision in the Bill that requires the responsible authorities to facilitate the attendance of the members of the public; and
- (j) include a clause on audit of a public participation exercise.

457. In addition, **Mau Mau Children Post Colonial Elites** from Bungoma attended the public participation forum and submitted a written memorandum whose content is contained in Chapter Three of this Report.

#### 4.2.20 Busia County

458. The public hearing exercise was held at the Busia Social Hall, Busia Town on Thursday 26<sup>th</sup> March 2026 between 2.00 pm and 4.00 pm.

459. A majority of the participants supported the Bill stating it is necessary to have a legislative framework in place which will regulate the conduct of public participation in governance as enshrined in the Constitution.



Figure 20: Public hearing exercise in Busia County

460. The participants recommended as follows:

- (a) there is need to specify reasonable time that a responsible authority gives to the public to submit their views;
- (b) public participation exercises should be inclusive taking into account the representation of PWDs, women, youth and the elderly;
- (c) the responsible authorities should facilitate the attendance of members of the public to public hearings to enable them submit their views;
- (d) the Bill should provide for a clear reporting mechanism to enable the members of the public get feedback on how their views have been incorporated in the matter under consideration;
- (e) there needs to be a provision on the threshold of public participation done through public hearings;
- (f) the principles of public participation should include sensitization of the public on the matter under consideration to enable the public make informed submissions; and
- (g) timely access to the necessary documents and information in a language that is easy to comprehend including accessible formats for PWDs.

#### 4.2.21 Kisumu County

461. The public hearing exercise was held at the Tom Mboya Labour College, Kisumu on Wednesday 25<sup>th</sup> March 2026 between 9.30 am and 11.30 am.



Figure 21: Public hearing exercise in Kisumu County

462. The Bill was supported by a majority of the participants who stated that the enactment of the Bill is timely in order to regulate the conduct of public participation as guaranteed by the Constitution.

463. During the public hearing, the participants made the following recommendations:

- (a) the responsible authorities should allocate adequate resources to facilitate the attendance of members of the public through provision of transport allowance;
- (b) the notice issued by a responsible authority before undertaking a public participation exercise should be issued at least fourteen (14) days prior to the exercise;
- (c) on access to documents and information, the information should be simplified in order to ensure the members of the public understand the matter under consideration;
- (d) the use of hotels as venues of public hearings by responsible authorities should be discouraged;
- (e) the title of the Bill may be amended to “The Public Participation and Engagement Bill”;
- (f) the Bill should define the term “public”;
- (g) the penalty for failure to adhere to the principles and guidelines should be against an individual;
- (h) the Bill may provide for a sensitization mechanism to enable the members of the public to effectively contribute to the matter under consideration;
- (i) for meaningful public participation to be achieved, there needs to a provision on minimum quorum for a public hearing to take place;
- (j) mandatory use of Kenyan Sign Language during public hearings;
- (k) the Bill should provide for the publication of the outcome of public participation giving reasons for accepting or rejecting the views of the public; and
- (l) inclusion of sovereignty of the people, transparency and citizen engagement as principles of public participation.

464. In addition, **Kisumu Social Movement and Budget Champions for Muungano wa Wanavijiji (KSMBC)** attended the public participation forum and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### 4.2.22 Kisii County

465. The public hearing exercise was held at the Agricultural Training College, Kisii on Tuesday 24<sup>th</sup> March 2026 between 2.30 pm and 4.30 pm.



Figure 22: Public hearing exercise in Kisii County.

466. The Bill was supported by a majority of the participants who stated that the enactment of the Bill is timely in order to regulate the conduct of public participation as guaranteed by the Constitution.

467. During the public hearing, the participants made the following recommendations:
- (a) the Bill may provide for a citizen sensitization mechanism to enable the members of the public to effectively contribute to the matter under consideration;
  - (b) the responsible authorities should allocate adequate resources to facilitate the attendance of members of the public through provision of transport allowance;
  - (c) the notice issued by a responsible authority before undertaking a public participation exercise should be issued at least fourteen (14) days prior to the exercise;
  - (d) on access to documents and information, the information contained in these documents should be in English and Kiswahili;
  - (e) the penalty for failure to adhere to the principles and guidelines should be enhanced;
  - (f) for meaningful public participation to be achieved, there needs to a provision on minimum quorum for a public hearing to take place;
  - (g) the Bill should provide for a feedback mechanism through the publication of the report of public participation giving reasons for accepting or rejecting the views of the public; and
  - (h) to enhance accessibility, public hearings should be taken closer to the people; and enhancement of the general penalty for failure to adhere to the principles and guidelines of public participation.

468. In addition, **Kisii CSOs Network** attended the public participation forum and submitted a written memorandum whose content is contained in Chapter Three of this Report.

#### 4.2.23 Nyamira County

469. The public hearing exercise was held at the West Mugirango NG-CDF Hall, Nyamira on Tuesday 24<sup>th</sup> March 2026 between 10.00 am and 12 noon.



470. A majority of the participants supported the Bill which seeks to set the standards and guidelines for effective and meaningful conduct of public participation in Kenya. The members of the public submitted that they were cognizant of the gaps and challenges facing public participation and acknowledged that the framework being put in place by the Bill will assist in bridging these gaps.
471. During the public hearing, some of the oral submission received by the Committee in respect to the Bill include:
- (a) the guiding principles of public participation may be expanded to include all sovereign power belongs to the people and as well as the right to equality and freedom from discrimination;
  - (b) the responsible authorities undertaking public participation should be independent in undertaking such exercises;
  - (c) the Bill should contain a provision on facilitating the members of the public to attend public hearing meetings to give their views;
  - (d) many people have been discouraged from attending public participation meetings due to inadequate feedback mechanism. Therefore, a robust reporting mechanism is necessary tool to address the issue of citizen apathy;
  - (e) Parliament and other public entities should ensure that the Bills and other documents, presented to the public during public participation exercise, are not only written in English language but also Kiswahili;
  - (f) effective and meaningful public participation can only be achieved through timely notification of the public. In this case, the Bill requires to specify a timeline of at least fourteen (14) days before a responsible authority conducts a public participation exercise;
  - (g) public participation should be inclusive by ensuring the attendance and participation of the youth, PWDs, women and the elderly;
  - (h) civic education is an important pre-requisite for effective public participation; and the general penalty may be enhanced upwards to ensure compliance with the provisions of the Bill.
472. In addition, **Umoja Ebenezer CBO** attended the public participation forum and submitted a written memorandum and orally detailing that:
- (a) communication is a key element of public participation and that the process should be devolved to the lowest level to reach the *mwananchi* and as many stakeholders.
  - (b) outreach be expanded beyond newspapers to reach the local communities including through, "...local radio, *Minto* FM, *Egesa* and other social media..." platforms.
  - (c) responsible authorities should ensure the use of genuine registration lists to confirm that the list of attendees in public participation fora is factual.

- (d) notice for public participation be issued three (3) days prior to the public participation exercise instead of seven to fourteen (7-14) days.
- (e) Responsible authorities be mandated to provide technical assistance and facilitators to explain the contents of the subject matter under public participation in a simple language.

#### 4.2.24 Nairobi County

473. The public hearing exercise was held at the Mini Chamber, County Hall, Parliament Road on Friday 27<sup>th</sup> March 2026 between 2.30 pm and 4.30 pm.



Figure 23 : Public hearing exercise in Nairobi County

474. **Mtoto News International, Sheria Watch and Oxygène MLC** appeared before the Committee and submitted written memoranda whose content is contained in Chapter Three of this Report.

#### **Mode of involving children in Public Participation**

475. Notably, **Mtoto News International** raised a novel intervention on the appropriate mode of involving children in public participation forums in line with the provisions of section 28 of the Children Act, Cap. 141. The Committee received their submission and facilitated their participation in shaping the overarching law governing inclusion of children in matters that affect them in future.

### 4.3 Consideration of the Views Received at the Counties

#### 4.3.1 Committee Observations

##### **Inclusion of civic education as part of the Bill**

476. The Committee observed that civic education and public participation are distinct aspects. While, civic education is the process of informing and educating citizens about their rights and duties, public participation is active involvement of the public in decision-making processes.

##### **Facilitation of members of the public to attend public hearings**

477. The Committee noted that public participation is a civic responsibility and that any form of financial facilitation for attendance of members of the public is discouraged because paying attendees may undermine genuine participation, result in skewed outcomes and create inequality.

##### **Application of the Act to all private individuals and entities**

478. The Committee observed that the Bill applies to responsible authorities listed under Clause 6 and the public with respect to public participation. The responsible authorities

under Clause 6 covers all State officers or public officers in the national and county levels of government. Additionally, Clause 6(j) incorporates private persons who are charged with the responsibility of making and implementing public policy decisions. However, the Bill does not apply to every private individual or entity since this would interfere with their privacy and autonomy.

**Expanding the scope of the Bill to include budget-making and government projects and programs**

479. The Committee noted that Clause 4(2)(a) covers all aspects of governance including budget making and implementation as well as projects and programs since they fall under the ambit of public policies.

**Provision of a specific timeline for a notice of a public participation exercise**

480. The Committee observed that various matters have varying constitutional and statutory timelines. However, giving a reasonable notice is vital. The notice period will be determined by factors such as the nature of the matter under consideration, the impact of the matter under consideration and any constitutional or statutory timelines.

**Use of NGAO to notify the public of upcoming public hearings**

481. The Committee noted that NGAO, through the provisions of section 17 of the National Government Co-ordination Act, are responsible for co-ordination of national government functions as set out in the Constitution and any other written law at the county level. One of the key elements of co-ordination is information sharing. Therefore, with respect to public participation, these officers are already mandated to notify the public and facilitate public participation.

**Providing a reporting and feedback mechanism by responsible authorities**

482. The Committee observed that a feedback mechanism enables the public to appreciate the value of their participation and build confidence in public participation processes. Therefore, the outcome of the public participation should not only be published but also publicized as soon as is practicable taking into account the nature, urgency and impact of the matter under consideration.

**Requirement to give reasons for accepting or rejecting the views of the public**

483. The Committee noted that while there is no express constitutional obligation to give reasons for the outcome of a public participation exercise, reasonable measures should be put in place by the responsible authorities to guide on consideration of views received.

**Prior access to documents and information**

484. The Committee observed that access to information, guaranteed by Article 35 of the Constitution, is vital for the achievement of meaningful and effective public participation. Therefore, prior dissemination of information, in official languages, by responsible authorities is necessary for effective public participation.

**Access of public participation processes by minorities and marginalized groups**

485. The Committee observed the Constitution recognizes the need to build an inclusive society. Therefore, the responsible authorities should ensure that public participation processes include the minorities and marginalized groups through use of appropriate venues for meetings.

486. Further, the Committee noted that during public hearings, the responsible authorities should include Kenya Sign Language interpretation.

**Provision of a threshold for public participation**

487. The Committee observed that public participation is a civic responsibility and stating a minimum number of participants for an exercise to qualify as a public participation forum may be problematic since numbers alone do not guarantee meaningful public participation. Attention should be given to procedural standards such as adequate notice and prior access to documents.

**Enhancement of the fine payable for non-compliance**

488. The Committee noted that, for purposes of effective enforcement of the Bill and deterrence, the Clause 20 may be amended to state that the responsible authority shall be personally liable for failing to adhere to the law.

## CHAPTER FIVE

### 5 COMMITTEE OBSERVATIONS

489. Upon considering the Bill and submissions received on the Bill, the Committee made the following observations:

- (1) Public participation is an indispensable element of democracy that binds all State organs, State officers, public officers and all persons making and implementing public policy decisions. Therefore, the Bill seeks to put in place a framework for the conduct of public participation by codifying the standards and guidelines necessary for effective and meaningful public participation.
- (2) Although civic education and public participation are related, they are distinct concepts. Civic education is the process of informing and educating citizens about their rights and duties whereas public participation is active involvement of the public in decision-making processes.
- (3) The Constitution does not define the term “public participation” despite its usage in various Articles. Therefore, the Bill seeks to define “public participation” using the scope of application of the national values and principles of governance. The Kenya Policy on Public Participation (Sessional Paper No. 3 of 2023) widens the scope of public participation in a manner not contemplated by the Constitution.
- (4) The provisions of the Bill will apply to the responsible authorities and the public at large with respect to public participation. They will not apply to private individuals or entities that do not make or implement public policy decisions as this would interfere with their privacy and autonomy.
- (5) The Bill covers all aspects of governance including budget making and implementation and the formulation and implementation of government projects and programs.
- (6) Similar to participation in elections, public participation is a civic responsibility which helps sustain and expand our democracy. Therefore, any form of financial facilitation for attendance of members of the public is discouraged because it may undermine genuine participation, result in skewed outcomes and create inequality.
- (7) Capacity building for public participation is vital. The duty bearers require relevant skills and experience for effective management public participation processes. Therefore, the responsible authorities need to engage adequate human resources with appropriate skills and competencies to manage public participation functions.
- (8) Different State organs with different mandates address different issues. As such, each responsible authority should be allowed to adopt relevant internal processes to allow it to involve the public in its decisions to the greatest extent possible. The Bill is a standard framework that allows responsible authorities to customize their public participation processes, if need be, through specific guidelines.
- (9) In planning for public participation exercises, responsible authorities must adhere to the principles of public finance including prudent use of resources. Furthermore, in

selecting a venue for public participation, responsible authorities must ensure that the venues chosen are accessible to all, especially PWDs.

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CHAPTER SIX

6 COMMITTEE RECOMMENDATIONS

490. The Committee, having considered the Public Participation Bill (*National Assembly Bill No. 44 of 2025*) and the submissions from members of the public and stakeholders, recommends that the House **approves the Bill** with the amendments contained in the Schedule of Amendments forming Chapter Seven of this Report.

SIGNED.....  ..... DATE..... 7.4.2026 .....

**HON. GEORGE GITONGA MURUGARA, CBS, MP**  
**CHAIRMAN**  
**DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS**

 <b>THE NATIONAL ASSEMBLY</b> <b>PAPERS LAID</b>	
DATE: <b>07 APR 2026</b>	
DAY: <u>Tuesday</u>	
TABLED BY:	<u>Hon. George Murugara, MP</u> <u>Chairperson</u>
CLERK AT THE TABLE:	<u>A. Shibuske</u>

## CHAPTER SEVEN

### 7 SCHEDULE OF AMENDMENTS

491. In view of the observations made, the Committee proposed the following amendments to the Bill:

#### LONG TITLE

**THAT** the Bill be amended by deleting the long title and substituting therefor the following long title—

#### A Bill for

**AN ACT of Parliament to provide for the conduct of public participation; to give effect to the constitutional principle of participation of the people enshrined in Articles 1, 10(2), 69(1)(d), 118, 174(c), 184(1)(c), 196, 201(a) and 232(1)(d) of the Constitution; and for connected purposes**

**Justification:** To include the expression “Article 1” of the Constitution on sovereignty of the people which anchors the principle of public participation. Also, to include the expression “Article 174(c)” which provides for public participation as one of the objects of devolution.

#### CLAUSE 2

**THAT** Clause 2 be amended in the definition of “public participation” by deleting the word “involving” appearing immediately after the words “process of” and substituting therefor the word “engaging”.

**Justification:** The use of the word “engaging” is comprehensive and implies active involvement of the public.

#### CLAUSE 3

**THAT** the Bill be amended by deleting Clause 3 and substituting therefor the following new Clause—

**3.** The object of the Act is to enhance, promote and facilitate public participation of the people in governance as provided for in Article 1, 10(2), 69(1)(d), 118, 174(c), 184(1)(c), 196, 201(a) and 232(1)(d) of the Constitution.

**Justification:** To include the expression “Article 1” of the Constitution on sovereignty of the people which anchors the principle of public participation. Also, to include the expression “Article 174(c)” which provides for public participation as one of the objects of devolution.

#### CLAUSE 5

**THAT** the Bill be amended by deleting Clause 5 and substituting therefor the following new Clause—

**5.** The principles that guide a responsible authority in undertaking public participation shall include—

- (a) all sovereign power belongs to the people and shall be exercised only in accordance with the Constitution;
- (b) right of the public to be involved in the making and implementing of public policy decisions;