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REPUBLIC OF KENYA

THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT – FIFTH SESSION – 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

REPORT ON:

CONSIDERATION OF THE SEXUAL OFFENCES (AMENDMENT)
BILL

(NATIONAL ASSEMBLY BILLS NO. 50 OF 2025)

THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 06 OCT 2026	
TABLED BY:	<i>Hon. George Munira Chairperson</i>
CLERK-AT THE-TABLE:	<i>A. Shiwiko</i>



CLERK'S CHAMBERS
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI

SEPTEMBER 2026

TABLE OF CONTENTS

Table of Contents.....	i
List of Abbreviations and Acronyms	ii
List of Annexures.....	iii
Chairperson's Foreword.....	iv
 CHAPTER ONE.....	 I
1 Preface.....	1
1.1 Establishment of the Committee.....	1
1.2 Mandate of the Committee	1
1.3 Committee Membership	3
1.4 Committee Secretariat	4
 CHAPTER TWO	 5
2 Overview of THE SEXUAL OFFENCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 50 OF 2025).....	5
2.1 Background.....	5
2.2 Summary of Legal Provisions.....	5
 CHAPTER THREE.....	 6
3 Public Participation and Stakeholder Engagement on the Bill	6
3.1 Legal Framework on Public Participation	6
3.2 Memoranda Received on the Bill	6
3.2.1 Submissions on Proposed Amendments	6
 CHAPTER FOUR	 8
4 Committee Observations.....	8
 CHAPTER FIVE.....	 9
5 Committee Recommendations	9
 CHAPTER SIX.....	 10
6 Schedule of Amendments	10

LIST OF ABBREVIATIONS AND ACRONYMS

AG	-	Office of the Attorney General and Department of Justice
CBS	-	Chief of the Order of the Burning Spear
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
MCCP	-	Maendeleo Chap Chap Party
MP	-	Member of Parliament
ODM	-	Orange Democratic Movement
OGW	-	Order of the Grand Warrior
UDA	-	United Democratic Alliance
UDM	-	United Democratic Movement
WDM	-	Wiper Democratic Movement

LIST OF ANNEXURES

- Annexure 1: Adoption Schedule
- Annexure 2: Minutes
- Annexure 3: The Sexual Offences (Amendment) Bill (National Assembly Bills No.50 of 2025)
- Annexure 4: Advertisement inviting the public to submit memoranda on the Bill
- Annexure 5: Memoranda by Stakeholders

CHAIRPERSON'S FOREWORD

This Report contains the proceedings of the Departmental Committee on Justice and Legal Affairs on its consideration of the Sexual Offences (Amendment) Bill (National Assembly Bills No. 50 of 2025). The Bill was published in the Kenya Gazette Notice number (190) on 5th September 2025, and was read a First Time in the House on 11th February, 2026. Pursuant to Standing Order 127, the Bill was committed to the Departmental Committee on Justice and Legal Affairs for consideration and reporting to the House.

The Bill seeks to amend the Sexual Offences Act (Cap. 63A) to strengthen the legal framework governing the prosecution of sexual offences in Kenya. The Bill seeks to ensure that offences specified under the Sexual Offences Act are adjudicated exclusively through formal judicial processes.

In compliance with Article 118(b) of the Constitution and Standing Order 127(3), the Committee placed an advertisement in the print media on 13th February 2026, inviting the public to submit memoranda in the form of written statements on the Bill. The memoranda were to be received on or before Friday, 27th February 2026, at 5.00 pm (East African Time). By the close of the submission deadline, the Committee had received one (1) memoranda.

The Women Empower and Mentor All Organization & Ms. Nduta Muthua gave their views on the Bill which the Committee considered in the preparation of this Report.

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.

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 Sexual Offences (Amendment) Bill (National Assembly Bills No. 50 of 2025).

It is my pleasure to report that the Committee has considered the Sexual Offences (Amendment) Bill (National Assembly Bills No. 50 of 2025) and has the honour to report back to the National Assembly with the recommendation that the **House approves the Bill with an amendment.**



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

CHAPTER ONE

I PREFACE

I.1 Establishment of the Committee

I. 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:

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

I.2 Mandate of the Committee

2. In accordance with the Second Schedule 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 oversights 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.*

I.3 Committee Membership

4. The Committee comprises the following Members:

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
Ol Jorok Constituency
UDA Party

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

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

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

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

Hon. Harold Kimuge Kipchumba, MP
Nominated Member
ODM Party

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

I.4 Committee Secretariat

5. The Committee is facilitated by the following staff:

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

Mr. Ronald Walala
Principal Legal Counsel II

Mr. Abdikafar Abdi
Clerk Assistant III

Mr. Samuel Wanjiru
Clerk Assistant III

Mr. Omar Abdirahim
Fiscal Analyst I

Mr. Isaac Nabiswa
Legal Counsel I

Ms. Vivienne Ogega
Research Officer III

Mr. John Nduaci
Serjeant-At-Arms

Ms. Rahab Chepkilin
Audio Officer III

Ms. Esther Mbatha
Public Communications Officer III

Mr. Wilson Murimi
Media Relations Officer III

Ms. Rhoda Muchiri
Hansard Officer III

CHAPTER TWO

2 OVERVIEW OF THE SEXUAL OFFENCES (AMENDMENT) BILL (NATIONAL ASSEMBLY BILLS NO. 50 OF 2025)

2.1 Background

6. The Bill, sponsored by Hon. Amina Udgoon, MP, was read a First Time in the House on 11th February 2026 (Annexure 3). It was thereafter committed to the Committee in line with Standing Order 127(1) of the National Assembly Standing Orders.

2.2 Summary of Legal Provisions

7. The Bill seeks to ensure that offences specified under the Sexual Offences Act are adjudicated exclusively through formal judicial processes by amending Sexual Offences Act (CAP 63A). Further the Bill provides that where any process purporting to dispose of sexual offences outside the formal judicial process is used, the process shall be void and have no legal effect.
8. In particular:
 - a) Amending the Sexual Offences Act, by inserting the following new section immediately after section 40:
 - i. “40A (1) Notwithstanding any other written law, the offences specified under this Act shall be prosecuted exclusively through the judicial system.
 - ii. (2) Any agreement, settlement, or process purporting to dispose of offences under this Act outside the formal judicial process shall be void and no legal effect.
 - b) In line with Article 159 (3) of the Constitution, this amendment proposes to safeguard the rights of victims from processes that are repugnant to justice and morality, and ensure that justice is administered in a manner consistent with the Constitution.
 - c) The Bill does not contain any provisions limiting any fundamental rights and freedoms.
 - d) The Bill does not concern the County Governments in terms of Article 110(1)(a) of the Constitution.
 - e) The enactment of this Bill may not occasion additional expenditure of public funds.

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 Memoranda Received on the Bill

11. Pursuant to the aforementioned provisions of the law, the Committee placed an advertisement in the print media on 2th February 2026 (Annexure 4) inviting the public to submit memoranda by way of written statements on the Bill.

12. To this end, the Committee received two (2) memoranda from the Women Empower and Mentor All Organization and Ms. Nduta Muthua. The memoranda is annexed to this Report as (Annexure 5).

3.2.1 Submissions in support of the Bill

13. **Ms. Nduta Muthua** supported the Bill, that broadening section 40A in this manner would strengthen the Bill's objective while preserving legitimate legal, medical, psychosocial, civil compensation and other support available to victims and survivors.

14. **Ms. Nduta Muthua** emphasized that victims who are children, elderly, or living with disabilities are highly susceptible to coercion, intimidation, or manipulation by relatives and caregivers, making total structural protection vital.

15. **Ms. Nduta Muthua** noted that the bill successfully balances this strict prosecution framework while safely preserving the victim's right to pursue independent legal advice, medical or psychosocial support and separate civil damages.

3.2.2 Submissions on Proposed Amendments

16. Whilst proposing amendments to the Bill, the Women Empower and Mentor All Organization submitted as follows:

Clause 40A (1)

17. The Women Empower and Mentor All Organization proposed an amendment to explicitly include compliance with Article 27 of the Constitution and safeguard against discriminatory barriers and ensure inclusive survivor protection.

Clause 40A (1) (a)

18. The Women Empower and Mentor All Organization proposed to insert a new subsection to shield complainants from identity-based targeting and to combat family obstruction and prevent bad-faith counter-charges or arrests targeting gender non-conforming survivors.

Clause 40A (2)

19. The Women Empower and Mentor All Organization proposed to revise this clause to explicitly invalidate forced or pressured withdrawals to eliminate informal out-of-court settlements driven by family-mediated pressure and intimidation.

Clause 40A (3)

20. The Women Empower and Mentor All Organization proposed to insert a new section establishing bias-motivated hostility as an aggravating factor to penalize structural hostility and intimate partner control based on a survivor's identity.

Clause 40A (4) (a)

21. The Women Empower and Mentor All Organization proposed to insert two new provisions addressing digital realities and evidence to protect survivor anonymity against online harassment and legally recognize digital evidence.

Clause 40A (5)

22. The Women Empower and Mentor All Organization proposed to Insert a new timeline restriction for case disposal to reduce case backlogs, limit witness fatigue, and minimize re-traumatization caused by court delays.

Committee Observation

23. In line with Article 159 (3) of the Constitution, the Bill proposes to safeguard the rights of victims from processes that are repugnant to justice and morality, and ensure that justice is administered in a manner consistent with the Constitution.

CHAPTER FOUR

4 COMMITTEE OBSERVATIONS

24. Upon reviewing the Bill and the submissions received, the Committee made the following observations:

- 1) Despite the existence of a robust legal framework to curb sexual offences, some of these offences are resolved using Alternative Dispute Resolution (ADR) mechanisms such as traditional dispute resolution mechanisms. This has occasioned injustice to the victims of sexual offences especially minors.
- 2) Article 159 (2) speaks to alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms. Criminal offences are not disputes as envisaged under Article 159. The provision is therefore necessary for the avoidance of doubt.
- 3) Article 159 (3) provides that traditional dispute resolution mechanisms shall not be used in a way that is repugnant to justice and morality or results in outcomes that are repugnant to justice or morality.

25. In light of the foregoing, the Committee resolved to recommend to the House to approve the Bill.

CHAPTER FIVE

5 COMMITTEE RECOMMENDATIONS

26. The Committee, having considered the Sexual Offences (Amendment) Bill (National Assembly Bills No. 50 of 2025) and the submissions from members of the public and stakeholders, recommends that the House **approves the Bill with an amendment** contained in the Schedule of Amendments forming Chapter Six of this Report.

SIGNED..........DATE.....11/10/2026.....

HON. GEORGE GITONGA MURUGARA, CBS, MP

CHAIRMAN

DEPARTMENTAL COMMITTEE ON JUSTICE AND LEGAL AFFAIRS

 THE NATIONAL ASSEMBLY PAPERS Laid	
DATE: 08 OCT 2026	DAY: Tuesday
TABLED BY:	Hon. George Murugara MP
CLEARANCE	Ar Shibusko