



**COUNTY ASSEMBLY OF BUNGOMA  
OFFICE OF THE CLERK**

---

THIRD ASSEMBLY  
SECOND SESSION

---

**REPORT OF THE COMMITTEE ON JUSTICE, COHESION  
AND LEGAL AFFAIRS ON THE SCRUTINY OF THE  
NATIONAL COHESION AND INTEGRATION ACT NO 12  
OF 2008**

Clerks Chambers  
County Assembly Buildings  
P.O BOX 1886 - 50200

AUGUST, 2023

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## **1.0. CHAPTER ONE**

### **1.1 PREFACE**

**Mr. Speaker Sir**, on behalf of the Committee on Justice, Cohesion and Legal Affairs , it is my pleasure and duty to present to this House the Report of the Committee on the Scrutiny of the National Integration and Cohesion Act,2008

### **1.2 THE MANDATE OF THE COMMITTEE**

**Mr. Speaker Sir,**

The Committee shall:

- a) Carry out matters of Constitutional affairs, administration of Law and Justice, including ethics, integrity, elections and human rights; and all petitions save for Petitions under Standing Order 78(5);
- b) Monitor and promote measures relating to policy and program initiatives in pursuit of Peace and County cohesion.
- c) Investigate, inquire into and report on all matters relating to inter-community cohesion in the County.
- d) Monitor and promote measures designed to enhance the equalization of opportunities and improvement in the quality of life and status of all persons, including persons who are marginalized on the basis of gender, age, disability, health status, ethnic, racial, cultural or religious background or affiliation or any other such ground.
- e) Investigate, inquire into and report on all matters relating to discrimination or marginalization of persons referred to under sub-paragraph(d);
- f) Make proposals to County Assembly including Legislative proposals for the protection, equalization of opportunities and promotion of the welfare of the groups referred to under sub paragraph (d) and
- g) Examine the activities and administration of all County Departments and statutory bodies in so far as they relate to the rights and welfare of the persons referred to under subparagraph (d)

### **1.3 Committee's Membership**

**Mr. Speaker Sir**, the Committee as currently constituted comprises of the following

Members:-

- |                           |                   |
|---------------------------|-------------------|
| 1. Hon. Jacob Psero       | Chairperson       |
| 2. Hon. Everlyne Anyango  | Vice chair person |
| 3. Hon. George Makari     | Member            |
| 4. Hon. Francis Chemion   | Member            |
| 5. Hon. Everlyne Mutiembu | Member            |
| 6. Hon. Jeremiah Kuloba   | Member            |
| 7. Hon. Timothy Chikati   | Member            |
| 8. Hon. Edwin Opwora      | Member            |
| 9. Hon. Sheila Sifuma     | Member            |
| 10. Hon. Idd Owongo       | Member            |
| 11. Hon. Linda Kharakha   | Member            |


**1.4 Acknowledgement**

The Committee is thankful to the Offices of the Speaker and the Clerk of the County Assembly for the logistical support accorded to it during the report writing as it executed its mandate.

I wish to express my appreciation to the Honorable Members of the Committee for their resourceful input that informed the content of this report. My sincere gratitude also goes to the members of the Secretariat for their dedication towards compiling this report.

It is therefore my pleasant duty and privilege, on behalf of the Committee on Justice, Cohesion and Legal Affairs to table this report to the Assembly for deliberation and adoption.

Thank you.

Signed..........Date.....10/8/23.....

**HON.JACOB PSERO MARUGAA**

**MCA CHESIKAKI**

**CHAIRPERSON COMMITTEE ON JUSTICE, COHESION AND LEGAL AFFAIRS**

**2.0 CHAPTER TWO**

**2.1. INTRODUCTION.**

**Hon. Speaker,** peace is the path we take for bringing growth and prosperity to the society. If we do not have peace and harmony achieving political strength economic stability and cultural growth will be impossible. It enriches our communities and individual lives as it directs us to embrace diversity and support one another to the fullest extent possible through caring generosity and fairness which are fruits of peace

## **2.0 CHAPTER TWO**

### **2.1. INTRODUCTION.**

**Hon. Speaker,** peace is the path we take for bringing growth and prosperity to the society. If we do not have peace and harmony achieving political strength economic stability and cultural growth will be impossible. It enriches our communities and individual lives as it directs us to embrace diversity and support one another to the fullest extent possible through caring generosity and fairness which are fruits of peace, It provides a cornerstone for attaining a sustainable just meaningful vibrant and fulfilling personal and community life.

**Hon. Speaker** Peace is important for smooth running of any institution—peace removes fear and anxiety from the lives of the people, it promotes growth and development of society, it brings about happiness, promotes tolerance and understanding amongst people, encourages peaceful co-existence among people which results in a lack of conflict and encourages good trade ties and relationships amongst other great benefits.

### **2.3. A BRIEF ON PEACE LAPSE IN THE COUNTY**

**Hon. Speaker** The preamble to the Constitution of Kenya (2010) underscores the aspiration for Kenyans to live peacefully and in harmony as one undividable, independent nation, irrespective of existing religious, ethnic and cultural diversity.

**Hon. Speaker** The post-2007 election crisis made many regular Kenyans more mindful that the peace they enjoy is fragile. Hence, they have become more alert to hate speech and are often the first sentinels to call for the investigation and prosecution of its authors .Incitement and hate speech is a trend that increases in politically competitive circumstances especially during elections.

**Hon.Speaker** Bungoma County is currently among the most peaceful counties in the Country where co-existence of communities is witnessed across all the sub-counties. Bungoma as a County historically is inhabited by the Bukusu, Tachoni, Batura, Sabaot,Iteso and other Kenyan communities who reside peacefully.

The major cause of conflict historically in the County is due to ethnicity as groups compete for the same goals, struggle for power, access to resources or territory. The interests of the elites play an important role in mobilizing ethnic groups to engage in ethnic conflicts.

Other causes have been groups competing for resources, i.e land which is becoming scarce especially for farming activities, lack of alternative sources of livelihood especially among the youth as accessing job opportunities has greatly narrowed amongst other factors.

Intertribal conflict in the County has led to deaths, suffering of children and women, loss of property, mental and psychological torture within the community and families amongst other social-economic problems.

**Hon. Speaker**, the Mabanga peace Conference held between 16<sup>th</sup> to 21<sup>st</sup> October 2011 among the elders of the ethnic groups in Bungoma provided resolutions to several issues including Land conflict, loss of property, political incitement, tribalism, political & administrative boundaries, squatters, completion of chebiuk scheme, sabaot land compensation, culture of political domination, discrimination on resource sharing, political intimidation, national resources, educational institutions, proliferation of small arms and light weapons, distorted history, prejudice and inclusivity.

**Hon. Speaker**, there have been initiatives both from the National government and the County government to promote peace across the entire county which has been positive over the years. Peace initiatives have been advocated through from house to house, meetings in the public gatherings and visiting churches with the message of living in peace and harmony with others.

**Hon. Speaker**, there has been a lot of interest on the peace initiative in the Country and in the many Counties cross the republic especially after the last general election. In the Bungoma County too initiatives have been there though the County has been relatively peaceful, conflict in a number of counties have trickled down to Bungoma County too as counties border each other.

In that perspective the Committee made a resolution to enlighten itself and members on the National Cohesion and Integration Act, 2008 which is a Corner stone law on peace in the Country and encourage members of the house to be peace champions .A number of Counties are coming up with Peace Bills as peace initiatives cutting across the National and the Counties since the two level of Government complement each other as per Article 189 on co-operation between National and County governments.

**Hon. Speaker** the following is a summary of The National Cohesion and Integration Act, 2008

#### **Part-I-PRELIMINARY**

**Section 1** is on the short title – The Act is cited as the National Cohesion and Integration Act.2008, **Section 2** is on the interpretation on words like ethnic group and employment

#### **Part -II-DISCRIMINATION**

**Section-3** -elaborates on Ethnic discrimination –circumstances and scenarios that entails ethnic discrimination,**Section-4**-is on the discrimination by way of victimization if one acts or does acts that are injurious to the well-being and esteem of the person by treating the victimized less favourably than ,in those circumstances he treats or would treat other persons.**Section-5**-is on Comparison of persons of different ethnic groups be on relevant circumstances and not in a discriminatory way.**Section-6** -is on the harassment on the basis of ethnicity if one engages in unwanted conduct which has the purpose or effects of-violating that persons dignity, creating intimidations, hostility, degrading etc

#### **PART III ON THE ACTS, CONDITIONS AND CIRCUMSTANCES DEEMED DISCRIMINATORY**

**Section 7**- discrimination in employment –i.e. need diversity representation at all work places-No establishment shall have more than one third of the staff from same ethnic community amongst other provisions. **Section 8**- is on exception of discrimination in employment field example; is a job involving cultural entertainment, ethnic group with personal services promoting their welfare in a capacity for which a person of that ethnic group is required for reasons of authenticity.



**Section-9**-Is on the discrimination in membership of organizations- for instance it is wrong to refuse to admit someone to be a member of a certain group due to his/her ethnic unless his or her religious persuasion or profession dictates so.**Section-10** is on discrimination by other agencies- applies on authorities, employment agencies, training units, to discriminate one in the provision of services.

**Section- 11** is on discrimination in access to and distribution of public resources-that is public resources shall be distributed equitably as far as is practicable geographically to take into account Kenya's diversity population and poverty index.

**Section- 12**-is on the discrimination in property ownership, management and disposal –is unlawful for one to discriminate against another person when one is disposing ,or transfer a property or issues to manage a property .**Section 13**-Is on hate speech that is a person who-uses abusive, threatening, insulting words, publishes, directs programmes to stir up ethnic hatred. Ethnic hatred means hatred against a group of persons by reference to color, race, nationality or ethnicity or national origins.

**Section 14**-Is on the exceptions to the part III –The clause gives provisions that that are unique in nature i.e. the proportion of persons of that group among those doing that work in Kenya was small in comparison with proportion of persons of that group among the population of Kenya, for balancing there is need to pick the disadvantaged group to create more harmony in terms of ethnic representations amongst other examples cited.

#### **PART IV –ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COMMISSION**

**Section 15** establishes the National Cohesion and Integration commission, which is a body corporate **Section 16** Is on the headquarters which is in Nairobi and branches at any place in Kenya

**Section 17** is on the Membership of the Commission, the chairperson is appointed by the president, eight commissioners nominated by the National Assembly, Chairperson National Commission on Human Rights, the Chairperson of National Commission on Gender and Development and Chairperson of public complaints standing committee(ombudsman) .**Section 18** is on the qualifications of commissioners; should

be a Kenyan citizen, person of high moral and integrity. **Section 19** is on the term of the office which is three years and eligible for re-appointment.

**Section 20** is on the Secretary to the commission to be appointed by the commission who is responsible for day to day administration and control other staff of the commission. **Section 21** is on the oath of office which shall be subscribed before the Chief Justice. **Section 22** is on the Vacancies in case one dies, resigns and bankruptcy.

**Section 23**-Chairperson or Commissioner may be removed from Office by the president, due to misbehaviors or misconducts, convicted of offence involving moral turpitude. In case of the removal of the commissioners one petitions/applies to the president to remove him/her. This goes up to the parliamentary committee for recommendations. Two thirds of the members can eject a commissioner on vote.

**Section 24**-Is on filing of Vacancy-the parliament is involved through the relevant committee and recommendation done together with a shortlist to the president who he nominates one from the short- list. **Section 25**-Is on the objects and functions of the commission is to primary facilitate and promote equality of opportunity, good relations, harmony and peaceful co-existence between persons of the different ethnic and racial communities of Kenya and advise the government on all aspects thereof.

**Section 26** is on the powers of the commission-i.e. in discharging its mandate, shall not be subject to the directions or control of any other person or authority. **Section 27** is on the power to summon witnesses and call for production of materials under oath.

**Section 28** is on the summons for attendance of witnesses just as the high court powers. **Section 29**-is on expenses of witnesses and put too at the caliber of the high court. **Section 30**-elaborates on Conducts of the business of the commission which are scheduled in the Act are self -regulating. **Section 31**.Delegation by the commission-can be done to other commissions, officer etc.

**Section 32**-Is on remuneration of the Commissioners -treasury consults with the Cabinet secretary concerned for the same on the Salary and allowances of Commissioner and secretariat. **Section 33** is on Staff of the Commission is at the preserve of the commission keeping in mind gender balance ethnicity. **Section 34**-Is on the Seal of the

commission for authenticating documents. **Section 35**-Is on protection from personal liability on the commissioners and staff as long as they do duties in good faith. **Section 36**-Is on liability of the Commission for damages in case one acts for his/her own interest while serving the commission

#### **PART V-FINANCIAL PROVISIONS**

**Section 37** is on the funds of the commission i.e. one appropriated by parliament, donated or lent. **Section 38** is on the annual estimates-be done three months before the start of a financial year, capturing payment of salaries for Commissioners, staff, gratuity and pensions, training funds etc.

**Section 39** -Is on accounts and audit-The books of account are to be submitted to the Auditor general for scrutiny and give directions. **Section 40** is on investment of funds i.e. in securities, trust funds etc. **Section 41**.Annual report which is submitted to the Cabinet secretary responsible

**Section- 42** is on special reports-which can be submitted to the National Assembly which effects can be far reaching and for national security perspective. **Section 44** on lodging a complaint-can be done by some through written complaint by hand, facsimile or other electronic transmission

**Section 45**-Commission may decline to entertain some complaints if they are frivolous, misconceived etc.

**Section 46**-Application to strike out complaints which can be done by a responded on ground under section 45

**Section 47**-The commission may dismiss a stale complaint if the commission seek more response and is not addressed within a year. **Section 48**- The Cabinet Secretary may refer the matter to commission in case it is an urgent policy matter.

**Section 49**- Is on commission to refer complaints for conciliation to the secretary of the commission for further conciliation **Section 50**- Where the conciliation is inappropriate shall notify the complainant.

**Section 51** –Is on the conciliation by the commission which might require produce of documents and attend session. **Section 52**-conciliation agreements which are to be recorded by the secretary

**Section 53**-Where the commission fails to conciliate, a sixty day notice is given to notify the complainant and respondent. **Section 54**-Special references- is complaints that may have significant social economic effects are to be dispensed with on special reference. **Section 55**-Is on parties to a proceeding-The Complainant and respondents are parties to the proceedings

**Section 56**-Decisions of the Commission-It takes decisions basing on the evidence adduced

**Section 57**-Compliance notices-On the verdicts from the commission for compliancy  
**Section 58**- on the enforcement of compliance notices-The magistrate court may take up the matter in case one declined to comply within three months

**Section 59**-Is on Investigations by the Commission-which is carried out where a contravention of part 111 of the Act has occurred

**Section 60**- on the matters that may be investigated-if they are serious in nature and warrant investigations concerns a group of persons or class of people and it warrants investigations

**Section 61**- on the Conducts of Investigations-it is to be done in a practicable manner and conciliation is the first step of resolve for the commission

## **PART VII –IS MISCELLANEOUS**

**Section 62** - on the offence of ethnic or racial contempt which upon conviction, the offence attracts a fine of not exceeding of a million shillings or imprisonment for a term not exceeding five years or both. For newspaper, radio station, media if liable a fine not exceeding a million Kenyan shillings.

**Section 63** -on the offences to hinder justice to be administered in the commission upon conviction will be liable to a fine of two hundred thousand or imprisonment of twelve months or both. **Section 64** is on the offences by body of persons shall be

deemed liable before the commission upon conviction just as body cooperates. **Section-65** is on contravention of Act not to create civil or criminal liability except to the extent expressly provided by this Act

**Section 66**-Secrecy of certain information which are tied to the Commissioners, Commission staff and authorities working under the commission

**Section 67**-on the effects of vacancy or defects in appointment in its membership does not make the works of the commission invalid. **Section 68**- on protection of persons giving evidence

**Section 69**- Provided on the Minister to where necessary make regulations. **Section 70**-The Act binds the government.

There are Schedules under the Act, i.e. Schedule 1-procedure for nominating commissioners by the National Assembly, Schedule 2-Oath/affirmation of office as a commissioner/secretary, Schedule 3-provisions as to the conduct of business and affairs of the commission

### **3.0. OBSERVATIONS.**

**Hon. Speaker**, the following are the Committee's observation

1. Peace is the cornerstone of social-economic development of a society, Bungoma County being inclusive.
2. Bungoma County has been relatively peaceful despite a number of counties experiencing peace lapse soon after general elections.
3. Counties are inter-dependent hence the lapse of peace in other Counties directly or indirectly affects Bungoma County .
4. Lack of Peace initiatives spearheaded by the National Government, the County Government, religious leaders and NGO's.
5. There is no effort by the County Government to come up with a peace initiative policy or budgetary allocation over the years.

#### **4.0. RECOMMENDATIONS**

**Hon. Speaker**, the following are the Committee's observation

1. **THAT** peace initiative campaigns across the County are to be encouraged to ensure peaceful coexistence of ethnic communities.
2. **THAT** the County Government through the department of Public Service Management & Administration and the Office of the County attorney to come up with a Peace initiative policy.
3. **THAT** the National Government, the County Government, religious leaders and Non-Governmental Organizations to be peace ambassadors across the Bungoma County
4. **THAT** a review of the Mabanga peace accord is initiated through the department of Public Service Management & Administration and the Office of the County attorney.
5. **THAT** the department of Public Service Management & Administration should ensure that there is budgetary allocation for peace initiatives in the County.

### ADOPTION SCHEDULE

We the undersigned members of Justice Cohesion and Legal Affairs Committee affix our signatures adopting this report with the contents therein

	MEMBERS NAME	DESIGNATION	SIGN
1	Hon. Jacob Psero	Chairperson	
2	Hon. Everlyne Anyango	Vice Chairperson	
3	Hon. George Makari	Member	
4	Hon. Francis Chemion	Member	
5	Hon. Everlyne Mutiembu	Member	
6	Hon. Jeremiah Kuloba	Member	
7	Hon. Timothy Chikati	Member	
8	Hon. Idd Chamawi	Member	
9	Hon. Edwin Opwora	Member	
10	Hon. Sheila Sifuma	Member	
11	Hon. Linda Kharakha	Member	





## **Appendices**

National Cohesion and Integration Act 12 of 2008

Adoption Minutes



**MINUTES OF JUSTICE, COHESION AND LEGAL AFFAIRS COMMITTEE**  
**HELD ON MONDAY 7<sup>TH</sup> AUGUST, 2023 AT DIVINE HOMES HOTEL**  
**FROM 10:00AM.**

**MEMBERS PRESENT**

1. HON. JACOB PSERO	CHAIRPERSON
2. HON. EVERLYNE ANYANGO	VICE CHAIR PERSON
3. HON. GEORGE MAKARI	MEMBER
4. HON. FRANCIS CHEMION	MEMBER
5. HON. EVERLYNE MUTIEMBU	MEMBER
6. HON. JEREMIAH KULOBA	MEMBER
7. HON. TIMOTHY CHIKATI	MEMBER
8. HON. EDWIN OPWORA	MEMBER
9. HON. SHEILA SIFUMA	MEMBER
10. HON. IDD OWONGO	MEMBER
11. HON. LINDA KHARAKHA	MEMBER

**SECRETARIAT**

1) SALLY SOITA	COMMITTEE CLERK
2) LEVIS WAKHUNGU	LEGAL CLERK
3) CYRUS MARAKALU	SAA
4) REMMY OPASAH	HANSARD OFFICER
5) SOSPETER MALABA	RESEARCHER

**AGENDA**

1. Preliminaries
  - i. Prayers
  - ii. Adoption of Agenda
2. Communication from the Chair
3. Adoption of Report of on the Scrutiny of the National Integration and Cohesion Act,2008

**MIN/JCLA/1/7/08/2023: PRELIMINARIES**

- **Prayer**

The meeting was called to order at 10:10 a.m and the prayer said by the Chairperson Hon Jacob Psero.

- **Adoption of Agenda**

Agenda was proposed by Hon. Sheila Sifuma and Seconded by Hon. George Makari

**MIN/JCLA/2/7/08/2023: COMMUNICATION FROM THE CHAIR**

The Chairperson appreciated Honourable members for coming up with the report and the secretariat for facilitating the process.

**MIN/JCLA/3/7/08/2023: ADOPTION OF REPORT OF ON THE SCRUTINY OF THE NATIONAL INTEGRATION AND COHESION ACT, 2008**

The Committee having come up with the report observations and the recommendations, it was unanimously agreed to with contents therein.

**MIN/JCLA/4/7/08/2023: ADJOURNMENT**

The meeting was adjourned at 1:45 p.m the next meeting will be by notice.

**CONFIRMED BY:**

CHAIRPERSON

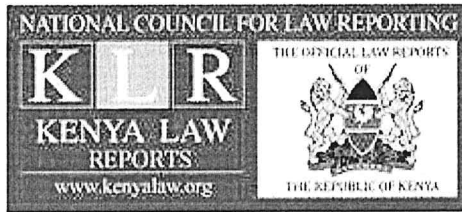
NAME: HON. JACOB Psero

SIGN: [Signature] DATE: 10<sup>th</sup> August 2023

COMMITTEE CLERK

NAME: Sally Soits

SIGN: [Signature] DATE: 10<sup>th</sup> August 2023



LAWS OF KENYA

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**NATIONAL COHESION AND INTEGRATION ACT**

No. 12 of 2008

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**NO. 12 OF 2008**

**NATIONAL COHESION AND INTEGRATION ACT**

ARRANGEMENT OF SECTIONS

PART I – PRELIMINARY

*Section*

1. Short title.
2. Interpretation.

PART II – DISCRIMINATION TO WHICH ACT APPLIES

3. Ethnic discrimination.
4. Discrimination by way of victimization.
5. Comparison of persons of different ethnic groups.
6. Harassment on the basis of ethnicity.

PART III – ACTS, CONDITIONS AND CIRCUMSTANCES DEEMED  
DISCRIMINATORY

7. Discrimination in employment.
8. Exceptions to discrimination in the employment field.
9. Discrimination in membership of organizations.
10. Discrimination by other agencies.
11. Discrimination in access to and distribution of public resources.
12. Discrimination in property ownership, management and disposal.
13. Hate speech.
14. Exceptions to Part.

PART IV – ESTABLISHMENT, POWERS AND FUNCTIONS OF THE COMMISSION

15. Establishment of the Commission.
16. Headquarters.
17. Membership of the Commission.
18. Qualifications of commissioners.
19. Term of office.
20. Secretary to the Commission.
21. Oath of office.
22. Vacancy.
23. Removal from office.
24. Filling of vacancy.
25. Objects and functions of the Commission.
26. Powers of the Commission.
27. Power to summon witnesses.
28. Summons for attendance of witnesses.
29. Expenses of witnesses.
30. Conduct of business of the Commission.
31. Delegation by the Commission.

Section

- 32. Remuneration of commissioners.
- 33. Staff of the Commission.
- 34. The seal of the Commission.
- 35. Protection from personal liability.
- 36. Liability of the Commission for damages.

PART V – FINANCIAL PROVISIONS

- 37. Funds of the Commission.
- 38. Annual estimates.
- 39. Accounts and audit.
- 40. Investment of funds.
- 41. Annual reports.
- 42. Special reports.

PART VI – ENFORCEMENT

- 43. Complaints.
- 44. Lodging a complaint.
- 45. Commission may decline to entertain some complaints.
- 46. Application to strike out complaint.
- 47. Commission may dismiss a stale complaint.
- 48. Minister may refer a matter to Commission.
- 49. Commission to refer complaints for conciliation.
- 50. Where conciliation is inappropriate.
- 51. Conciliation by the Commission.
- 52. Conciliation agreements.
- 53. Where Commission fails to conciliate.
- 54. Special references.
- 55. Parties to a proceeding.
- 56. Decisions of the Commission.
- 57. Compliance notices.
- 58. Enforcement of compliance notices.
- 59. Investigation by the Commission.
- 60. Matters that may be investigated.
- 61. Conduct of investigations.

PART VII – MISCELLANEOUS

- 62. Offence of ethnic or racial contempt.
- 63. Offences.
- 64. Offences by body of persons.
- 65. Contravention of Act not to create civil or criminal liability.
- 66. Secrecy of certain information.
- 67. Effect of vacancy or defect in appointment.
- 68. Protection of persons giving evidence and information.
- 69. Regulations.
- 70. Act binds Government.



SCHEDULES

- FIRST SCHEDULE – PROCEDURE FOR NOMINATING COMMISSIONERS BY THE NATIONAL ASSEMBLY
  - SECOND SCHEDULE – OATH/AFFIRMATION OF THE OFFICE OF A COMMISSIONER/SECRETARY
  - THIRD SCHEDULE – PROVISIONS AS TO THE CONDUCT OF BUSINESS AND AFFAIRS OF THE COMMISSION
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NO. 12 OF 2008

NATIONAL COHESION AND INTEGRATION ACT

[Date of assent: 24th December, 2008]

[Date of commencement: 9th March, 2009]

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

[L.N. 32/2009.]

PART I – PRELIMINARY

1. Short title

This Act may be cited as the National Cohesion and Integration Act, 2008.

2. Interpretation

In this Act, unless the context otherwise requires—

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

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

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

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

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

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

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

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