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THE KISUMU COUNTY GENDER AND EQUITY BILL, 2026

A Bill for

AN ACT of the County Assembly of Kisumu to give effect to Article 27 (3) of the Constitution of Kenya, 2010 and Section 34 (e) and (f) of the County Governments Act, 2012 to provide for the management and administration of gender affairs in Kisumu County and for connected purposes

ENACTED by the County Assembly of Kisumu, as follows —

PART I — PRELIMINARY

Short Title

1. This Act may be cited as the Kisumu County Gender and Equity Act, 2026.

Interpretation

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

“Appointing authority” means an authority with the power to appoint or recruit persons into employment positions;

“CEC Member” means the County Executive Committee Member for the time being responsible for gender affairs;

“Gender” means the classification of individuals as male or female;

“gender equality” means the freedom of all genders to equally pursue the exercise of rights, opportunities, and access to County Government services;

“Gender-Based Violence” means any physical, mental, social or economic abuse against a person because of that person’s gender, and includes—

- (a) violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to the person, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life; and
- (b) actual or threatened physical, mental, social or economic abuse that occurs in a domestic relationship;

“Gender Responsive Budgeting” means a fiscal approach that ensures resources are distributed equitably among all genders, contributing to equal opportunities and addressing gender inequalities; and involves the analysis and transformation of government budgets to reflect gender equality commitments.

“Gender Mainstreaming” means ensuring that the concerns of women and men form an integral dimension of the design of all policies, laws and administrative procedures including budgeting and budget implementation, and the monitoring and evaluation of Programmes implementing such policies, laws and administrative procedures in all political, economic and societal spheres within the County, so as to ensure that women and men benefit equally, and that inequality is not perpetuated;

“Directorate” means the Directorate for the time being responsible for Gender Affairs established pursuant to Section 6;

“marginalized gender” means a gender group who, because of laws or practices before, on or after the effective date, were or are disadvantaged by discrimination on one or more of the grounds in Article 27(4) of the Constitution;

“qualified worker” means a trained social worker mandated to manage and administers shelters for victims of gender-based violence;

“private body” means—

- (a) a natural person who carries on any trade, business or profession, but only in such capacity;
- (b) a partnership which carries on any trade, business or profession; or
- (c) any juristic person, but excludes a public body;

“public body” means any department, entity or administration under the County Government; or

“substantive gender equality” means gender equality in fact and in law;

“this Act” includes any regulation made under this Act; and

“gender-based empowerment” means the advancement of gender interests as contemplated by Article 27 of the Constitution.

Objects and Purpose of the Act

3. The Object and Purpose of this Act is to—

- (a) provide for matters necessary or convenient to give effect to Article 27(3) of the Constitution and Section 34 (e) and (f) of the County Governments Act, 2012;
- (b) promote the progressive realization of gender equality, institutionalize gender-responsive governance, and ensure equitable access to opportunities and services in all sectors of Kisumu County Government;

- (c) prescribe, pursuant to Article 27 of the Constitution, uniform norms and standards, for—
 - (i) gender responsive budgeting;
 - (ii) gender mainstreaming; and
 - (iii) identification of gender inequality and vulnerability risks in Kisumu County.

Guiding Principle

4. In fulfilling its objective, this Act shall be implemented in accordance with the values and principles set out in the Constitution and the relevant laws of Kenya.

General Application of the Act

5. This Act shall prevail over any other county legislation only to the extent of inconsistency, and in a manner consistent with the Constitution of Kenya and any national legislation.

PART II — MANAGEMENT AND ADMINISTRATION OF GENDER AND EQUALITY IN KISUMU COUNTY.

Directorate of Gender Affairs

Establishment of the Directorate of Gender Affairs

6. There is established a directorate to be known as the Directorate of Gender Affairs which shall be the principal organ of the County Government in ensuring compliance on gender integration and mainstreaming.

Functions of the Directorate of Gender Affairs

7. The functions of the Directorate shall be to —
- (a) monitor, facilitate and advise on the integration of the principles of equality and freedom from discrimination in County policies, laws, and administrative regulations in all County institutions and entities;
 - (b) coordinate with any person, agency or other organization including government, private and civil sectors, for prevention of unfair gender discrimination within the County;
 - (c) co-ordinate and facilitate mainstreaming of issues of gender and other marginalized groups in County development and to advise the County Government on all aspects thereof;

- (d) monitor, facilitate and advise on the development of affirmative action implementation policies as contemplated in the Constitution;
- (e) develop and prescribe uniform norms and standards for gender responsive budgeting and gender mainstreaming in County Government Sectors and departments.
- (f) provide capacity-building programs for County sectors and departments on gender integration.
- (g) conduct and co-ordinate research activities within the County on matters relating to equality and freedom from discrimination as contemplated under Article 27 of the Constitution;
- (h) coordinate with the National Gender and Equality Commission, the National Commission on Human Rights, the Commission on Administrative Justice and other related institutions to ensure efficiency, effectiveness and complementarity in their activities to establish mechanisms for referrals and collaboration in the protection and promotion of rights related to the principle of equality and freedom from discrimination;
- (i) prepare and submit annual reports to the County Assembly on the status of implementation of its obligations under this Act;
- (j) conduct audits on the status of special interest groups including minorities, marginalized groups, persons with disability, women, youth and children within the County;
- (k) establish, consistent with data protection legislation, databases on issues relating to equality and freedom from discrimination for different affected interest groups and produce periodic reports to the National Gender and Equality Commission on progress in the realization of equality and freedom from discrimination for these interest groups; and
- (l) perform such other functions as the Directorate may consider necessary for the promotion of the principle of equality and freedom from discrimination;

Functions of the CEC Member

- 8.** (1) The CEC Member shall, in order to promote gender equality—
- (a) develop frameworks in relation to the promotion of gender equality;
 - (b) require the development and implementation of plans and measures by designated public bodies for the promotion of gender

equality in compliance with this Act and the submission of those plans and measures for consideration, review and guidance;

- (c) collect and analyze information on the plans and measures submitted by the designated public bodies in terms of this Act;
- (d) by notice in the *Gazette*—
 - (i) establish mechanisms to promote substantive gender equality;
 - (ii) establish mechanisms to support and strengthen the implementation of applicable legislation; and
 - (iii) issue an integrated, coordinated and uniform framework to promote the achievement of women empowerment and substantive gender equality.

(2) The CEC Member may, in exercising her or his powers in terms of subsection (1), request a County public body or a private body to provide any information relating to compliance with this Act.

(3) When requesting information from a designated public body or a designated private body in terms of subsection (2), the CEC Member may provide guidance on the submission of those reports.

The County Gender Steering Committee

Establishment of the Gender Steering Committee

9. (1) There shall be established the County Gender Steering Committee that shall provide guidance on the coordination of gender affairs within the County for compliance with this Act and shall operate in accordance with the procedures provided for in the 1st Schedule of this Act.

(2) The County Gender Steering Committee in sub-section (1) shall be composed of—

- (a) the Chief Officer for the time being responsible for gender affairs who shall be the Chairperson;
- (b) director for the time being responsible for County Budgeting,
- (c) director for the time being responsible for County Administration,
- (d) director for the time being responsible for Public Participation,
- (e) director responsible for Public Health,
- (f) director responsible for Medical Services,
- (g) director responsible for Agricultural extension
- (h) representative of the civil society organizations; and

- (i) representative of the people with disabilities.
- (3) The Director of Gender shall serve as Secretary to the Committee.
- (4) The Committee shall—
 - (a) conduct annual gender compliance review for all Departments, Agencies and other public service institutions and submit a report of their findings and recommendations to the CEC Member to be laid in County Assembly not later than 3 months upon elapse of a fiscal year and;
 - (b) provide mechanisms for inter-departmental coordination on Gender issues.

(5) The report of the Committee under sub-section (4)(a) shall include factors and challenges affecting the implementation of this Act including recommendations.

Tenure of Membership

10. (1) A member of the Gender Steering Committee, contemplated in Section (9) (2) (h) and (i) —

- (a) shall hold office on such terms and conditions including remuneration as are specified in his instrument of appointment, and for a period not exceeding three years; and
- (b) shall be eligible for re-appointment for one further term of three years.

(2) A member of the Gender Steering Committee, contemplated in Section (9) (2) (h) and (i), may resign his position by written notification under his hand addressed to the CEC Member.

Removal of a member of the Committee

11. (1) The County Executive Committee Member may, at any time, remove a member of the Committee on the following grounds—

- (a) serious violation of the Constitution or any other law;
- (b) gross misconduct, whether in the performance of the member's or office holder's functions or otherwise;
- (c) physical or mental incapacity to perform the functions of office;
- (d) incompetency; or
- (e) bankruptcy.

(2) The Secretary of the Committee shall notify the CEC Member of a vacancy that occurs in the membership of the Committee within seven days of the membership falling vacant.

(3) Where the CEC Member has been notified of a vacancy under this Section, the CEC Member shall within 14 days appoint another person to fill that vacancy.

Meetings of the County Gender- Steering Committee

12. (1) The provisions of the First Schedule shall apply to the meetings of the Committee and other matters provided for in that Schedule.

(2) The County Gender-Steering Committee may co-opt any person to participate in its deliberations, but a person so co-opted shall have no right to vote.

Gender Focal Point

Establishment of Gender Focal Points

13. (1) The County Public Service Board shall, within a period of twelve -months from the commencement of this Act, establish a Gender Focal Point, to assist a department or entity within the County to implement gender mainstreaming and, generally, to assist the department or entity to comply with this Act.

(2) Every Department, Agency and other public service institutions within the County Government shall have a Gender Unit within its Planning Sector which shall:

- (a) integrate gender demands into all sectoral legal framework, policies, strategies and action plan;
- (b) collect and analyze gender disaggregated data and present in a report to the relevant Department, Agency or other public service institution.

(3) The accounting officer of a designated private body shall ensure that the designated private body implements gender mainstreaming and gender-based empowerment.

(4) The CEC Member shall, by notice in the Gazette, make regulations on the qualifications, skills and duties of the personnel to be appointed in the Gender Focal Point.

Gender Mainstreaming In County Governance.

Development of Plans on Gender Mainstreaming

14. (1) All Public and Private bodies under the jurisdiction of the County Government shall develop and implement plans and measures to ensure gender mainstreaming.

- (2) The measures may include—
- (a) the integration of gender considerations in all policies, decision-making structures, systems and processes relating to the designated public bodies and designated private bodies;
 - (b) steps to ensure that decisions and activities of the designated public body or designated private body are preceded by a gender equality analysis;
 - (c) remedial measures to —
 - (i) prevent or alleviate actual and potential prejudice on the basis of gender; and
 - (ii) reduce disparities between women and men;
 - (d) steps aimed at ensuring compliance with obligations contained in applicable legislation and the international agreements; and
 - (e) assessing the implications of its planned measures, in relation to gender mainstreaming.

Gender Integration

Responsibilities on Gender Integration

15. (1) All Accounting Officers for County sectors and departments shall integrate gender mainstreaming in their policies, programs, and activities.

(2) The Directorate shall develop and circulate guidelines for gender mainstreaming to all County sectors and departments by 31st August of each year.

(3) Pursuant to sub-section 3 above, the guidelines shall include—

- (a) an assessment of gender mainstreaming within the County Government;
- (b) baseline data on County gender and equality compliance and
- (c) gender mainstreaming action plan for each sector.

(4) The Directorate shall monitor and evaluate the implementation of gender mainstreaming activities across all sectors and departments.

(5) Without prejudice to the above, an accounting officer for a County Sector or Department shall within 21 days upon the end of a financial year submit a gender mainstreaming report to the CEC Member who shall with seven days submit the Report to the County Assembly and the National Gender and Equality Commission.

Gender Impact Assessment

16. (1) All County sectors and departments shall conduct Gender Impact Assessments (GIA) for all new policies, programs, and projects.

(2) The Directorate shall within 3 months upon commencement of this Act and in consultation with the National Gender and Equality Commission provide a standardized template and guidelines for conducting these assessments.

(3) Results of the GIAs shall be included in the annual gender mainstreaming report submitted to the County Assembly and the National Gender and Equality Commission in accordance with Section 10 of this Act.

Gender Mainstreaming in the County Public Service

17. (1) In giving effect to Section 10 (2) (b) of the Public Service (Values and Principles) Act (Cap. 185A) and subject to Section 59 (3) of the County Governments Act, 2012, an appointing authority shall appoint no less than forty per cent and no more than sixty per cent of either gender in any department in the County Government public service.

(2) Subsection (1) shall not apply where—

- (a) a member of either gender applying for the post, does not hold the minimum relevant educational qualifications or experience for the post;
- (b) a member of either sex offered the post has not accepted the offer; or
- (c) a member of either sex with the relevant educational qualifications or experience required for the post was not available or could not be identified for the post.

Compliance with gender balance in the County Public Service

18. (1) An appointing authority shall, in addition to his responsibility to employ at least 40% of women under Section 17 (1), ensure that at least 40% of the marginalized gender in his employment, is in a decision making position at all levels within the organization.

(2) An employer shall ensure the prohibition of gender discrimination and Sexual Harassment in accordance with the Sexual Offences Act.

(3) Where an appointing authority within the County Government does not comply with section 17 of this Act, a competent court shall, on application by the aggrieved person, make an order against the appointing authority to ensure compliance.

(4) A compliance order issued by the court under subsection (1) shall be implemented by the appointing authority against whom the order is made within such period as specified in the order.

(5) Where an appointing authority fails to implement the terms of a compliance order, the authority commits an offence and is liable to a fine of KSh. 30,000 for every day the compliance order remains unimplemented.

Gender mainstreaming in County Bursaries and Scholarships

19. Subject to the provisions of the Kisumu County Education Fund (Amendment) Act, 2016, the Department of Education shall—

- (a) issue bursaries or scholarships to no less than forty percent and no more than sixty percent of either gender; and
- (b) pursuant to Section 166 of the Public Finance Management Act, 2012 cause the Accounting Officer for the Education Fund or any other public fund providing bursaries or scholarship to submit alongside the quarterly or annual financial report for the Education Fund; a gender integration report of the bursaries and scholarships issued in that particular period to the CEC Member for Finance and the County Assembly.

Gender-Based Representation and Participation

20. (1) In exclusion of any other Act of the County Assembly, County Departments and Agencies shall, within their ambit of responsibilities and available resources, develop and implement plans and measures as prescribed, in order to achieve the progressive realization of a minimum of one-third representation and meaningful participation of both gender in decision-making positions and structures including Boards, which shall include—

- (a) building equal capacity to participate;
- (b) enhancing the understanding and attitudes of communities to accept the capabilities and participation of both gender; and
- (c) developing support mechanisms for both gender.

(2) The CEC Member may develop guidelines to assist County Government bodies to comply with subsection (1).

Compliance Mechanisms

21. (1) Any department or sector which shall fail to meet gender mainstreaming requirements in accordance with this Act shall be subject to review and corrective actions.

(2) The CEC Member shall have the authority to recommend sanctions or incentives based on compliance and performance in gender mainstreaming.

(3) Without prejudice to sub-section 2 above, the National Gender and Equality Commission shall have the overall supervisory authority on gender compliance within the County.

Gender Sector Planning and Programming

Integration of Gender in County Sector Planning

22. (1) Every County Department, Office, Agency, or Public Entity shall, in the preparation of its Sector Plans, Annual Development Plans, County Budget Proposals, and Performance Contracts—

- (a) identify gender gaps and inequalities relevant to its mandate;
- (b) develop sector-specific gender objectives, indicators and targets;
- (c) allocate sufficient budgetary resources to address the identified gender gaps;
- (d) provide evidence of stakeholder consultation inclusive of marginalized and underrepresented gender groups.

(2) The gender planning process shall be guided by disaggregated data, periodic gender audits, and feedback from the Gender Directorate.

(3) Each County Department shall submit a Gender Integration Report as part of its annual submission to the County Executive Committee Member responsible for Finance and Economic Planning and to the Directorate.

Gender Equality Performance Standards

23. (1) The Directorate shall, in collaboration with the County Department of Economic Planning develop gender performance indicators for each devolved sector including but not limited to:

- (a) Health;
- (b) Agriculture;
- (c) Water and Environment
- (d) Education and ECDE
- (e) Infrastructure and Public Works;
- (f) Trade and Industrialization; and
- (g) Culture, Youth, and Sports.

- (2) Such indicators shall be reviewed annually and aligned to—
- (a) the County Integrated Development Plan (CIDP);
 - (b) the County Fiscal Strategy Paper (CFSP);
 - (c) the Sustainable Development Goals (SDG 5 and others); and
 - (d) the National Policy on Gender and Development (2019).

Gender Sector Planning Handbook

24. The Directorate shall, within six months of the commencement of this Act, develop a Gender Sector Planning Handbook to guide all county sectors in aligning their programmes with the gender equality principles under the Constitution and this Act.

PART III — FINANCIAL PROVISIONS

Financing Gender Equality

- 25.** (1) The implementation of this Act shall be financed from—
- (a) funds appropriated by the County Assembly through the normal budgetary process;
 - (b) grants and donations made in support of gender equality programs, which shall be channeled through the County Revenue Fund in line with the Public Finance Management Act;
 - (c) allocations within departmental budgets that support gender-responsive programs and activities.

(2) All County Departments and entities shall allocate adequate resources within their respective votes to address gender priorities, in accordance with their Sector Plans and the County Integrated Development Plan (CIDP).

(3) No County Department or entity shall submit budget proposals without a demonstrable gender component aligned to the County's gender mainstreaming objectives.

(4) The Directorate shall, in collaboration with the County Treasury, monitor and report on the financing of gender equality interventions in all sectors.

Gender Responsive Budgeting

26. (1) The CEC Member for Finance and Economic Planning shall facilitate fiscal and administrative policies for County gender-responsive budgeting.

(2) Without prejudice to the generality of Sub-Section (1), all County sectors and departments shall incorporate gender responsive budgeting in their planning and financial processes.

(3) The Directorate shall by 31st August of each year circulate and assist in the development of guidelines for gender responsive budgeting which shall be adhered to by all County sectors and departments and shall—

- (a) by 30th September of every year conduct a gender analysis to assess differential impact of budgetary allocations on men and women and
- (b) collect and analyze Gender Disaggregated Data by 31st December of every year to inform budgetary allocations of the proceeding Financial Year.

Preparation of Gender Compliant Budget

27. (1) The County Executive Committee Member responsible for Finance shall ensure the preparation and submission of gender-responsive budgets across all departments.

(2) Gender Responsive Budgeting shall involve —

- (a) conducting annual gender budget analyses for all sector budgets;
- (b) integrating gender equality targets and indicators in budget performance reports;
- (c) assessing the differential impacts of public expenditures on women, men, boys, girls, and other marginalized groups.

(3) The Directorate shall work with the County Department of Finance and Planning to prepare and publish an annual Gender Budget Statement, which shall be tabled before the County Assembly alongside the County Budget Estimates.

Capacity Building

28. (1) Pursuant to Section 17 (1) (a) of this Act, the Department shall in consultation with the CEC Member for Finance allocate funds for capacity-building programs aimed at educating county officials and staff on gender-responsive budgeting and planning.

(2) The Programs contemplated in Sub-section (1) above shall include training workshops, seminars, and continuous professional development courses.

(3) The Directorate shall evaluate the effectiveness of these programs annually, and shall submit a report to the County Assembly and the County Executive Committee on or before 30 August of every year.

Monitoring and Evaluation and Gender Performance Audits

29. (1) The Directorate shall develop a comprehensive monitoring and evaluation framework to assess the impact of budgetary allocations on gender equality outcomes which shall include:

- (a) key performance indicators (KPIs) and;
- (b) measurable targets to track progress.

(2) The Director shall prepare an annual report on the findings of the monitoring and evaluation which shall be presented to the County Executive Committee, the County Assembly and made public on or before 30th August of every year.

(3) The CEC Member shall within 21 days upon submission of the Monitoring and Evaluation Report to the County Executive Committee forward the report and findings thereof to the National Gender and Equality Commission.

Partnerships and Collaboration

30. (1) The CEC Member shall establish partnerships with local, national, and international organizations to leverage additional resources and expertise for gender-responsive initiatives.

(2) Funds received through partnerships shall be managed transparently, with regular reports on their use and impact in accordance with the Public Finance Management Act, 2012.

(3) Collaborative projects shall be evaluated to ensure they align with the objectives of the Directorate and provide tangible benefits to the community.

Gender Balance in Economic Empowerment

31. (1) In exclusion of any other Act of the County Assembly, targets for either gender in all laws and policies on economic empowerment shall be at least 50%.

(2) Designated public bodies and designated private bodies shall, develop and implement plans and strategies to align their policies with subsection (1) within two years of coming into effect of this Act.

(3) Designated public bodies and designated private bodies shall, based on their available resources, develop and implement plans and measures, to—

- (a) promote the economic empowerment of either gender;
- (b) promote gender-based access to economic and educational opportunities and productive resources;

- (c) increase access to financing, procurement, land rights, skills development, especially entrepreneurial skills and capacity building of either gender;
- (d) facilitate employment opportunities and access to the markets for either gender;
- (e) compile such data relating to gender-based economic empowerment as may be prescribed; and
- (f) comply with prescribed measures aimed at achieving the economic empowerment of women as contemplated by the applicable legislation.

(4) Designated public bodies or designated private bodies shall submit its plans and measures contemplated in subsection (3) within one year of being designated to the CEC Member for consideration and evaluation.

(5) The CEC Member may, at any time after the submission of the plan or measures contemplated in subsection (2), require a designated public body or a designated private body to submit to the CEC Member a report on its implementation of subsection (1), for consideration, review and guidance.

(6) The CEC Member may develop guidelines to assist designated public bodies and designated private bodies to comply with subsection (1).

Gender-Based Socio-Economic Empowerment

32. (1) In exclusion of any other Act of the County Assembly, designated public bodies and designated private bodies shall develop and implement plans and measures, to—

- (a) facilitate sustainable livelihoods and decent work for both gender in rural areas, largely but not solely within agriculture;
- (b) mainstream gender in land reform programme to ensure more land in the hands of marginalized gender in rural areas, together with the skills and financial resources necessary for them to use the land productively;
- (c) ensure equal representation and meaningful participation of the marginalized gender in councils, forums and committees.

(2) The CEC Member may require a designated public body or a designated private body to submit to the CEC Member its plan and measures contemplated in subsection (1) within one year of being designated, for consideration, evaluation and guidance.

(3) The CEC Member may, at any time after the submission of the plan or measures contemplated in subsection (2), require a designated public

body or a designated private body to submit to the CEC Member a report on its implementation of subsection (1), for consideration, review and guidance.

PART IV — MISCELLANEOUS PROVISIONS

Delegated Legislation

Powers of the CEC Member to make Regulations

33. (1) The CEC Member shall make regulations, not inconsistent with this Act respecting any matter that is necessary or convenient to be prescribed under this Act or for the carrying out or giving effect to this Act.

(2) In making regulations under this Act, the CEC Member shall be guided by the Statutory Instruments Act, 2013.

(3) A provision of a regulation shall—

- (a) be limited and specific in its application;
- (b) authorize any matter or thing to be done from time to time; or
- (c) do any combination of the contemplation of paragraph (a) and (b) above.

(4) Regulations under subsection (1) shall not take effect unless approved by a resolution passed by the County Assembly.

(5) Regulations approved under subsection (4) shall take effect on the day after the date on which the County Assembly approved them or, if a later date is specified in the regulations, on that later date.

(6) Regulations under this Section shall include—

- (a) procedures for—
 - (i) the promotion of substantive gender equality;
 - (ii) gender-based economic empowerment;
 - (iii) the monitoring and evaluation of progress on gender-based empowerment and gender equality; and
 - (iv) gender mainstreaming;
- (b) the competencies required for appointment of personnel in the Gender Focal Point;
- (c) equal representation and participation in County Government programmes;
- (d) the procedures for the formulation of the plans and measures that shall be submitted in terms of the Act;

- (e) the establishment of institutional mechanisms to advise the CEC Member on—
 - (i) the promotion of substantive gender equality;
 - (ii) the promotion of the economic empowerment of marginalized gender; and
 - (iii) monitoring and evaluation of progress on gender empowerment and gender equality;
- (f) any other administrative or procedural matter that is necessary or expedient to prescribe in order to achieve the objectives of this Act.

(6) The regulations contemplated in subsection (1) shall be made within a period of six months from the date of commencement of this Act.

Civil Awareness

34. (1) The CEC Member shall design and implement programs for public awareness of this Act and, for that purpose, the CEC Member shall specifically—

- (a) develop programs aimed at promoting gender equality in all spheres of life;
- (b) develop programs that create awareness of fundamental human rights, equality and mutual understanding and respect;
- (c) develop programs that create awareness of sexual harassment and provide assistance and social support for victims of sexual harassment; and
- (d) enlist the services of nongovernmental organizations in disseminating information and in the conduct of any other activities connected with such programs.

(2) The CEC Member shall in consultation with the CEC Member for Public Service appoint, in the public service, officers required to carry out activities for the implementation of the programs under subsection (1).

Offences

Indemnity from Personal Liability

35. (1) Nothing done by any authorized person or public officer working under the instructions of the Department or County Treasury, if done in good faith, for the purposes of executing the powers, functions or duties of the Department or County Treasury under the Constitution or this Act, renders that person or public officer personally liable for any action, claim or demand.

(2) Without prejudice to sub-section (1) above any authorized person or public officer shall be personally liable for any act or omission done or committed in the performance of his functions under this Act, if having regard to the circumstances of the case such act or omission—

- (a) is done or committed willfully or dishonestly by such person;
- (b) is attributable to the negligence of such person; or
- (c) is done or committed by such person in contravention of any provision of this Act or regulations made thereunder or any other written law.

Failure to comply with this Act

36. (1) Subject to the Constitution and any other relevant law, the CEC Member may use any dispute resolution mechanisms to address non-compliance with this Act, including failure to comply with a request by the CEC Member in terms of section 31(2) of this Act.

(2) An accounting officer of a County Government body is guilty of an offence and liable on conviction to a fine not exceeding KSh. 200,000 or to imprisonment for a period not exceeding six months, if that accounting officer willfully or in a grossly negligent way fails to comply with the provisions of this Act.

- (3) (a) A private body contemplated in section 2 of this Act who fails to comply with the relevant provisions of this Act, including failure to comply with a request by the CEC Member in terms of section 31 (2) of this Act, commits an offence and is liable on conviction to a fine not exceeding 10% of the total annual turnover of the designated private body.
- (b) A director or chief executive officer of the private body, as the case may be, fined in terms of paragraph (a) is liable on conviction of that designated private body to imprisonment for a period not exceeding six months.

Personal liability

37. A person who—

- (a) without justification or lawful excuse, obstructs hinders, threatens the Directorate or a member of staff acting under this Act;
- (b) submits false or misleading information;
- (c) misrepresents to or knowingly misleads the Directorate or a member of staff of the County Government acting under this Act,

commits an offence and is liable on conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding one year or to both.

Annual Status Report

38. (1) The Directorate shall prepare and submit to the County Executive Committee and County Assembly an Annual Gender Equality and Women's Empowerment Status Report, detailing—

- (a) progress on implementation of this Act;
- (b) gender audit findings;
- (c) budgetary performance related to gender;
- (d) complaints received and resolutions;
- (e) recommendations for policy and programmatic action.

(2) The Annual Status Report shall be published and made available to the public through digital and physical platforms.

Transitional Provisions

39. (1) Any actions, appointments, or programs undertaken prior to the commencement of this Act that are consistent with its objectives shall be deemed to have been made under this Act.

(2) Within six (6) months of the commencement of this Act, the County Executive Committee Member shall:

- (a) issue operational guidelines on compliance with this Act;
- (b) ensure all Gender Focal Points are designated in writing and trained;
- (c) ensure budget estimates submitted include gender-disaggregated data.

SCHEDULE

(Section 9(1))

Meetings of the County Gender-Steering Committee

1. (1) The first meeting of the Committee shall be convened by the Chairperson and, subsequently, the Committee shall meet at most once every quarter for the transaction of business at such places and at such time as may be decided upon by the Committee.

(2) The Chairperson shall preside at every meeting of the Committee and in his absence the members present may elect a member from among themselves to preside at that meeting.

(3) The Chairperson or, in his absence a member elected by the Committee to act in his place, may at any time call a special meeting upon a written request by a majority of the members and approved by the County Executive Committee Member.

(4) Notice of every meeting of the Committee shall be given in writing to each member at least five days before the day of the meeting.

Quorum

2. (1) Subject to subparagraph (2), five members shall constitute a quorum for the conduct of business at any meeting of the Committee.

(2) When there is no quorum at, or for the continuation of, a meeting of the Committee only because of the exclusion of a member from the deliberations on a matter in which he has disclosed a personal interest, the other members present may if they deem it expedient so to do—

- (a) postpone the consideration of that matter until there is a quorum without that member; or
- (b) proceed to consider and decide the matter as if there was a quorum.

Decisions of the Committee

3. (1) All questions proposed at a meeting of any of the Committee shall be decided by a majority of the votes of the members present and voting, and in the event of an equality of votes, the person presiding shall have a casting vote in addition to his deliberative vote.

(2) A decision may be made by the Committee without a meeting by circulation of the relevant papers among the members of the Committee and by the expression of the views of the majority of the members in writing but any member shall be entitled to require that the decision be deferred and the

matter on which a decision is sought be considered at a meeting of the Committee.

Minutes of proceedings

4. (1) The Committee shall cause the minutes of all proceedings of its meetings to be recorded and kept, and the minutes of each meeting shall be confirmed by the Committee at the next meeting of and signed by the Chairperson or the person presiding at the meeting.

(2) The Chairperson of the Committee shall submit to the CEC Member a copy of the minutes of each meeting of the Committee as soon as the minutes have been confirmed.

The Committee to regulate own procedure

5. Subject to the provisions of the Act, the Committee may regulate their own procedure.

MEMORANDUM OF OBJECTS AND REASONS

The principal objective of the Kisumu County Gender and Equity Bill, 2025 is to give effect to Article 27(3) of the Constitution of Kenya and Section 34 (e) and (f) of the County Governments Act, 2012. This Bill seeks to provide a comprehensive legal framework for the management and administration of gender affairs within Kisumu County, aiming to promote the progressive realization of gender equality and institutionalize gender-responsive governance.

Since the absence of a structured gender management mechanism has hindered the equitable distribution of resources and opportunities, this Act seeks to address issues such as:

- (a) lack of uniform norms and standards for gender-responsive budgeting;
- (b) inadequate integration of gender concerns in the design and implementation of county policies and laws;
- (c) disparities in representation and participation within the County Public Service and decision-making bodies;
- (d) insufficient mechanisms for monitoring and evaluating gender mainstreaming performance.

PART I (Clauses 1–5) contains preliminary provisions, including the short title, interpretation of key terms, and the objects and guiding principles of the Act.

PART II (Clauses 6–25) outlines the management and administration of gender and equality. This part establishes the Directorate of Gender Affairs and the County Gender Steering Committee, defining their functions in monitoring, facilitating, and advising on gender integration. It mandates the establishment of Gender Focal Points in departments and requires Gender Impact Assessments for new policies. It further sets gender balance requirements for the County Public Service (40% to 60% rule) and county bursaries.

PART III (Clauses 26–33) provides for financial provisions, specifically institutionalizing Gender Responsive Budgeting. It requires the preparation of a gender-compliant budget, capacity building for officials, and regular gender performance audits. This part also outlines strategies for gender-based socio-economic empowerment and access to economic opportunities.

PART IV (Clauses 34–40) includes miscellaneous provisions, such as the power of the CEC Member to make regulations, provisions for civil awareness, and indemnity from personal liability for officers acting in good

faith. It also prescribes penalties for failure to comply with the Bill and requires the submission of an Annual Status Report.

Statement on the Delegation of Legislative Powers and Limitation of Fundamental Rights and Freedoms

This Bill delegates legislative powers to the CEC Member responsible for gender affairs to make regulations necessary for the effective implementation of gender-based empowerment and mainstreaming. The Bill does not limit any fundamental rights and freedoms; rather, it seeks to enhance the enjoyment of the right to equality and freedom from discrimination.

Statement That the Bill Is a Money Bill within the Meaning of Article 114 of the Constitution

This Bill is not a Money Bill; however, the enactment of this Bill may result in additional expenditure of public funds.

Date the 19th January, 2026.

NANCY MATARA,
Chairperson, Committee on Sports and Youth.