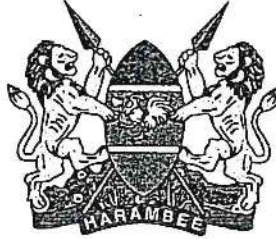


Approved for tabling

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NA
2019




TWELFTH PARLIAMENT - THIRD SESSION - 2019

THE NATIONAL ASSEMBLY

DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE
REPORT ON THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL, 2019 (NO.8
OF 2019)

Directorate of Committee Services,
Clerk's Chambers
Parliament Buildings,
NAIROBI

NOVEMBER, 2019

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 25 NOV 2019	DAY TUESDAY
TABLED BY:	HON. JOYCE KIBI ON
CLERK AT THE TABLE:	

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LIST OF ABBREVIATIONS AND ACRONYMS

Hon	Honourable
MP	Member of Parliament
NA	National Assembly
NYC	National Youth Council

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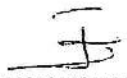
CHAIRPERSON'S FOREWORD

The National Youth Council (Amendment) Bill (National Assembly Bill No. 8 of 2019), underwent First Reading on 20th March, 2019. Thereafter, the Bill was committed to the Departmental Committee on Labour and Social Welfare to review and report to the House pursuant to the provisions of Standing Order 216(5) (c).

Consequently, the Committee, pursuant to Article 118 of the Constitution and Standing Order 127 (3), invited submissions from members of the public on the above Bill via advertisements in national dailies on 26th March 2019. During its Sitting held on 1st April 2019 the Departmental Committee on Labour and Social Welfare considered the submissions on the Bill from the Sponsor of the Bill and stakeholders. Thereafter, the Committee retreated to consider the submissions and deliberate on the provisions in the Bill.

May I take this opportunity to commend the Committee members for their devotion and commitment to duty in the consideration of the Bill and express gratitude to the Offices of Speaker and Clerk of the National Assembly for providing technical and logistical support.

On behalf of the Departmental Committee on Labour and Social Welfare and pursuant to the provisions of Standing Order 199 (6), it is my pleasant privilege and duty to present to the House a report of the Committee on the National Youth Council (Amendment) Bill (National Assembly Bill No. 8).

Signed..........this.....15th.....day of.....10.....2019

HON. ALI WARIO, M.P.,

Chairperson, Departmental Committee on Labour and Social Welfare.

1.1 Mandate of the Committee

1. The Departmental Committee on Labour and Social Welfare is established in accordance with the provisions of Standing Order 216 of the National Assembly. Its mandate as provided for in S.O. 216(5) is to *inter-alia*:-
 - 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 study and review all legislation referred to it;*
 - iv. *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;*
 - v. *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;*
 - vi. *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); and*
 - vii. *To make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*
2. The Committee is mandated to consider the following subjects: -
 - i. Labour,
 - ii. Labour relations,
 - iii. Manpower or Human Resource Planning,

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- iv. Gender,
- v. Youth,
- vi. Social Welfare and Security,
- vii. Children's Welfare,
- viii. Persons Living with Disabilities.

1.2 Oversight

3. In executing its mandate, the Committee oversees the following government Ministries, departments and or agencies, namely:
 - i. The State Department for Labour
 - ii. The State Department for Social Protection
 - iii. The State Department for Gender
 - iv. The State Department for Youth
 - v. The State Department for Arid and Semi-Arid Lands
 - vi. National Gender and Equality Commission

1.3 Committee Membership

4. The Committee comprises of the following members -
 1. **The Hon. Ali Wario, MP - Chairperson**
 2. **The Hon. Joyce Korir Chepkoech, MP- Vice Chairperson**
 3. The Hon. Gladys Wanga, MP
 4. The Hon. Janet Marania Teyiaa, MP
 5. The Hon. Janet Nangabo Wanyama, MP
 6. The Hon. Ronald Kiprotich Tonui, MP
 7. The Hon. James Onyango K'Oyoo, MP
 8. The Hon. Rose Museo, MP
 9. The Hon. Alfred Kiptoo Keter, M.P
 10. The Hon. Charles Kanyi Njagua, MP
 11. The Hon. Catherine Wambilianga, MP
 12. The Hon. Fabian Kyule Muli, MP
 13. The Hon. Abdi Mude Ibrahim, MP

14. ~~PDF Compressor Free Version~~ The Hon. Michael Mvungi Mvungi, MP
15. The Hon. Safia Sheikh Adan, MP
16. The Hon. Tom Mboya Odege, MP
17. The Hon. Omboko Milemba, MP
18. The Hon. Ole Sankok David, MP
19. The Hon. Wilson Sossion, MP

1.4 Committee Secretariat

1. Mr. Adan Gindicha - Clerk Assistant I
2. Mr. John Mugoma - Clerk Assistant III
3. Mr. Said Osman - Researcher Officer I
4. Ms. Doreen Karani - Legal Counsel I
5. Ms. Amran Mursal - Fiscal Analyst

Support staff

Sergeant at Arms

Audio officer

CHAPTER TWO:

**PART A: OVERVIEW OF THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL
(NATIONAL ASSEMBLY BILL NO. 8 OF 2019)**

5. The National Youth Council (Amendment) Bill, sponsored by Hon. Gideon Keter, M.P was referred to the Departmental Committee on Labour and Social Welfare for public participation.
6. The Principal Objective of this Bill is to amend the membership of the National Youth Council by allowing the competitive recruitment of the youth serving in the council which is intended to depoliticize the membership of the Council.
7. This Bill also seeks to amend the Act in order to replace the obsolete terms “Minister”, “Permanent Secretary” and “sub-location” with “Cabinet Secretary”, “Principal Secretary” and “Ward” respectively
8. The Bill does not limit rights and fundamental freedoms in the Bill of Rights and it does not delegate legislative powers.
9. The enactment of this Bill shall not occasion additional expenditure of public funds.

PART B: PUBLIC PARTICIPATION

10. Through an advertisement on 26th March 2019 (annexure 3), the Committee invited the public to present submissions on the National Youth Council (Amendment) Bill, 2019 to be received by the Committee on or before 2nd April, 2019
11. The Committee did not receive any written submissions on the Bill within the specified timeframe but met with the Hon. Gideon Keter, M.P and officers from the Ministry of Public Service, Youth and Gender Affairs on 1st April 2019. At the said meeting, the Ministry informed the Committee that it was undertaking a comprehensive review of the Act and submitted a copy of the proposed amendments, that is, the draft National Youth Council (Amendment) Bill. The Ministry sought for withdrawal of the Bill by Hon Gideon Keter before the Committee as it finalizes its Bill.

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12. Following presentations by the Committee and as the Committee was in the process of preparation and finalization of its report on the Bill, two youth groups presented memoranda to the office of the Clerk of the National Assembly through Honorable Gideon Keter, M.P.
 13. The Organization of African Youth-Kenya presented a memorandum which was received by the Office of the Clerk of the National Assembly on the 12th September, 2019 while the Kenya YSO Consortium presented a Memorandum which was received by the Office of the Clerk of the National Assembly on 18th September, 2019. The Committee observed that the memoranda were received out of the stipulated timeline and related to amendments not before the Committee.
 14. The Memorandum from Organization of African Youth-Kenya contains amendments relating to section 4, 6,9,12 and the Second Schedule to the Act.
 15. The Memorandum from the Kenya YSO Consortium contains amendments relating to sections 2,4,6,7,9,10,11,13,15,18,23,24,25, 26, 27 and 29 of the Act.
 16. It was observed that with exception to the amendments proposed the composition of the National Youth Council, the amendments proposed by both youth groups, that is, the Organization of African Youth-Kenya and the Kenya YSO Consortium related to sections of the Act that the Bill under consideration does not seek to amend. The Committee took cognizance of the amendments but could not consider the same for incorporation in the Bill in view of the provisions of standing order 133(5) which provides:

“No amendment shall be permitted to be moved if the amendment deals with a different subject or proposes to unreasonably or unduly expand the subject of the Bill or is not appropriate or in logical sequence to the subject matter of the Bill.”

The Committee further noted that the Memoranda could be resubmitted for consideration at the future date when the Ministry’s draft Bill, which seeks to overhaul the entire National Youth Council Act, is presented to the House for consideration. The Committee accordingly resolved not to consider the two memoranda for irrelevance and want of compliance with the stipulated deadline for submission of memoranda on the Bill.

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17. The details of the meeting are contained in the Minutes which are annexed to this report as annexure 1. The Committee considered the Bill and its observations and resolutions as relates to specific clauses are contained in Part C of this Chapter.

PART C: CLAUSE BY CLAUSE CONSIDERATION OF THE BILL

18. This part deals with the clause by clause consideration of the Bill by the Commission after taking into consideration the views of the aforementioned stakeholders.

▪ **CLAUSE 2- AMENDMENT OF SECTION 2 OF THE NATIONAL YOUTH COUNCIL ACT**

19. *Section 2 of the National Youth Council Act, (in this Act referred to as "the principal Act"), is amended in by deleting the definition of the term "Minister" and substituting therefore the following definition-*

"Cabinet Secretary" means the Cabinet Secretary for the term being responsible for youth affairs."

▪ **Stakeholder views**

20. No specific stakeholder views were received on this clause.

Committee observations and recommendation on clause 2

21. **The Committee observed** that the clause seeks to align the terminology used in the Act by replacing the word "Minister", which is obsolete, with the word "Cabinet Secretary and is therefore in order;
22. Clause 2 bears typographical errors that require to be corrected
23. **The Committee recommends** that Clause 2 be amended as follows-

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause 2-

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 2. Section 2 of the National Youth Council Act (in this Act referred to as "the principal Act") is amended by deleting the definition of the term "Minister" and substituting therefor the following new definition in proper alphabetical sequence-

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to youth affairs.

▪ **CLAUSE 3- INSERTION OF A NEW SECTION 5B INTO THE NATIONAL YOUTH COUNCIL ACT**

24. Clause 3 provides –

3. Section 5 of the Principal Act is amended by—

Amendment
 of section 5
 of No. 10 of
 2009

(a) the words "Permanent Secretary wherever its appears and substituting therefore the words "Principal Secretary";

(b) paragraph (g) of subsection (1) and substituting therefore the following new paragraph (g);

"(g) nine youths nominated through a competitive process by the Cabinet Secretary responsible for youth affairs"

▪ **Stakeholder views**

25. From the draft Bill presented by the National Youth Council and the Ministry, the proposed changes to section 5 of the Act as follows-

Composition of the Council	<p>(1) The Council shall consist of—</p> <p>(a) a non-executive chairperson, who shall be a youth, appointed by the President on recommendation of the Cabinet Secretary;</p> <p>(b) the Principal Secretary responsible for matters relating to youth or a representative nominated in writing;</p> <p>(c) the Principal Secretary responsible for matters relating to youth or a representative nominated in writing;</p> <p>(d) the Principal Secretary of the National Treasury or a</p>
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	<p><i>representative nominated in writing;</i></p> <p><i>(e) the Attorney General or a representative nominated in writing;</i></p> <p><i>(f) ten youth appointed by the Cabinet Secretary; and</i></p> <p><i>(g) the Chief Executive Officer who shall be the Secretary and an ex-officio member of the Council.</i></p> <p><i>(2) The members under paragraph 6 (1)(f) shall be appointed through an open, transparent and competitive process in the manner prescribed in the First Schedule.</i></p> <p><i>(3) In appointing members to the Council under paragraph 6(1)(f) of this Act, the Cabinet Secretary shall ensure that there are equal opportunities for persons living with disabilities, persons from marginalised communities, and persons from professional bodies and that not more than two thirds of the members are of the same gender.</i></p> <p><i>(4) In appointing members to the Council under paragraph 6(1)(a) and (f), the President and the Cabinet Secretary shall ensure that their terms are staggered.</i></p>
<p><i>Qualifications for appointment as chairperson or member.</i></p>	<p><i>(1) A person is qualified for appointment as the chairperson, if the person—</i></p> <ul style="list-style-type: none"> <i>(a) possesses at least a Bachelor's degree from a university recognized in Kenya;</i> <i>(b) has at least five years' post qualification experience;</i> <i>(c) is not a holder of any public office;</i> <i>(d) is a member of an active registered youth group;</i> <i>(e) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and</i> <i>(f) is a youth.</i>
	<p><i>(2) A person is qualified for appointment as a member of the council under paragraph, if the person—</i></p> <ul style="list-style-type: none"> <i>(a) possesses at least a Certificate of Secondary Education from an institution recognised in Kenya;</i> <i>(b) has at least three years' post qualification experience;</i> <i>(c) is not a holder of any public office;</i> <i>(d) is a member of an active registered youth group;</i> <i>(e) meets the requirements of chapter six of the Constitution and</i>

any written law relating to integrity; and
(f) is a youth.

Third Schedule

[section 5]

PROCEDURE FOR APPOINTMENT OF MEMBERS OF THE COUNCIL

1. Pool of Nominees

The candidates eligible for appointment as members of the Council shall be selected in an open, transparent and competitive process at the County level.

2. County Selection Panel

There shall be a selection panel in every County which shall comprise of-

- (a) the County Commissioner who shall be the Chairperson;*
- (b) the County Director of Youth;*
- (c) the County Director of Social Development Services;*
- (d) three persons representing faith based organisations;*
- (e) a representative from the Chamber of Commerce;*

3. Regional Selection Panel

There shall be a selection panel in every region which shall comprise of-

- (a) the regional Commissioner;*
- (b) the regional Coordinator of Youth; and*
- (c) the regional Coordinator of Education.*

4. Role of the Parent Ministry

Each selection panel shall, subject to this Act, determine its own procedure, and the Ministry shall provide each selection panel with such facilities and such other support as it may require for the discharge of its functions.

5. Selection of Nominees at County Level

- (a) Each selection panel at the County level, shall within seven days of its convening, invite applications from qualified persons and publish the names and qualifications of all applicants in the Gazette and two daily newspapers of national circulation.*

	<p>(b) <i>Each selection panel at the county level shall within seven days of receipt of applications under subsection (1) consider the applications, interview and shortlist two persons qualified for appointment as members of the Council and shall forward the names of the shortlisted persons through the Ministry to the Regional selection panel.</i></p> <p>6. <i>Selection of Nominees at Regional Level</i> <i>Each selection panel at the region shall within seven days of receipt of the shortlist under paragraph 5(b) consider the applications, interview and shortlist two persons qualified for appointment as member of the Council and shall forward the names of the shortlisted persons to the cabinet Secretary for consideration for appointment.</i></p> <p>7. <i>Appointment by the Cabinet Secretary</i> <i>The Cabinet Secretary shall, within seven days of receipt of the names forwarded under paragraph 6, appoint the members of the Council.</i></p> <p>8. <i>Dissolution of the Panels</i> <i>The selection panels shall stand dissolved upon the requisite appointments being made under paragraph 7.</i></p>
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Committee observations and recommendation on clause 3

26. **The Committee observed that-**

- a) The amendments seek to replace the terminology “permanent secretary” which is obsolete with “principal secretary”;
- b) whereas increasing the number of youth to nine persons will ensure the Council has an odd number (which is ideal for voting purposes), the enhancement will also render the Board membership bloated contrary to the stipulated numbers under the State Corporations Act (maximum of 15 persons) and the State Corporations Advisory Committee’s Code of Governance for State Corporations (Mwongozo)(maximum of 9 persons); and
- c) ensuring that appointment of the youth to the Council follows a competitive process promotes the values and principles of public service contained in Article 232 of the Constitution by requiring fair competition and merit as the basis of appointments;

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- d) The membership of the Council is presently comprised of 22 members. Whereas increasing the number of youth by one person will ensure the Council has an odd number, which is ideal for voting purposes, the enhancement will also render the Board membership bloated. This is contrary to the stipulated numbers under the State Corporations Act, which requires a board to have no more than 15 persons, and the State Corporations Advisory Committee's Code of Governance for State Corporations (Mwongozo) which recommends lean boards with a maximum of 9 persons;
 - e) There is need to provide for qualifications for youth members of the Board to provide a criteria for the proposed competitive and merit based recruitment. As it is presently, the Act only stipulates qualifications to be held by the Chairperson;

27. The Committee recommends that clause 3 is amended as follows-

- i) Clause 3 of the Bill be deleted and substituted with the following new clause-
 - 3. The principal Act is amended by deleting Section 5 and substituting therefor the following new subsection—
 - (1) The Council shall consist of—
 - (a) a non-executive chairperson, who shall be a youth, appointed by the President;
 - (b) the Principal Secretary responsible for matters relating to youth or his or her representative nominated in writing;
 - (c) the Principal Secretary responsible for matters relating to youth or his or her representative nominated in writing;
 - (d) the Principal Secretary responsible for matters relating to finance or his or her representative nominated in writing;
 - (e) the Attorney General or a representative nominated in writing;
 - (f) ten persons, being youth, appointed by the Cabinet Secretary; and
 - (g) the Secretary to the Board, who shall be the Chief Executive Officer and an ex-officio member of the Council and shall not have a vote.

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- (2) The members under subsection (1) (f) shall be appointed through an open, transparent and competitive process through the procedure prescribed in the Third Schedule.
- (3) In appointing members to the Council under subsection (1)(f), the Cabinet Secretary shall ensure that—
 - (a) there are equal opportunities for persons with disabilities, persons from marginalised communities and persons from professional bodies;
 - (b) not more than two thirds of the members of the council are of the same gender; and
 - (c) the membership of the Council reflects the regional and ethnic diversity of the people of Kenya.
- (4) A person is qualified for appointment as the chairperson, if the person—
 - (a) possesses at least a Bachelor's degree from a university recognized in Kenya;
 - (b) has at least five years' post qualification experience;
 - (c) is not a holder of any other public office;
 - (d) is a member of an active registered youth group;
 - (e) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and
 - (f) is a youth.
- (5) A person is qualified for appointment as a member of the council under subsection (1)(f), if the person—
 - (a) possesses at least a post-secondary education certificate from an institution recognised in Kenya;
 - (b) has at least three years' post qualification experience;
 - (c) is not a holder of any other public office;

- (d) is a member of an active registered youth group;
- (e) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and
- (f) is a youth.

(6) An appointment under subsection 1(a) and (f) shall be by name and notice in the *Gazette*.

(ii) In view of the proposed amendment to clause 3, the committee proposes the following procedure for appointment of the ten youth members of the council

Third Schedule

(s. 5)

PROCEDURE FOR APPOINTMENT OF MEMBERS OF THE COUNCIL

1. Manner of selection of candidates

The candidates eligible for appointment as members of the Council shall be selected in an open, transparent and competitive process at the County level.

2. County Selection Panel

There shall be a selection panel in every County which shall comprise of-

- (a) the County Commissioner who shall be the Chairperson;
- (b) the County Director of youth affairs;
- (c) the County Director of social development services;
- (d) the County Director of gender affairs;
- (e) two persons representing faith based organisations;
- (f) a representative from the Chamber of Commerce;
- (g) a representative from the Commissioner of Scouts; and
- (h) the county chairperson for the organisation responsible for persons living with disabilities.

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3. Role of the Parent Ministry

Each selection panel shall, subject to this Act, determine its own procedure, and the Cabinet Secretary shall provide each selection panel with such facilities and such other support as it may require for the discharge of its functions.

4. Selection of Nominees at County Level

- (a) Each selection panel at the County level, shall within seven days of its convening, invite applications from qualified persons and publish the names and qualifications of all applicants in the Kenya Gazette and the Ministry's website.
- (b) Each selection panel at the county level shall within seven days of receipt of applications under subparagraph (a) consider the applications, interview and shortlist two persons, being male and female, qualified for appointment as members of the Council and shall forward the names of the shortlisted persons to the Cabinet Secretary.

5. Appointment by the Cabinet Secretary

The Cabinet Secretary shall, within seven days of receipt of the names forwarded under paragraph 6, appoint ten members under section 5(1) (f) to the Council.

6. Dissolution of the Selection Panels

The selection panels shall stand dissolved upon the requisite appointments being made under paragraph 6.

- **CLAUSE 4- AMENDMENT OF SECTION 6 OF THE NATIONAL YOUTHCOUNCIL ACT**

28. Clause 4 provides –

4. Section 6 of the principal Act is amended in paragraph (g) by deleting the words “sub-location” and substituting therefor the word “Ward”

- **Stakeholder views**

29. No specific stakeholder views were received on this clause.

Committee's Recommendation on clause 4

30. The Committee observed that the amendment is miscellaneous in nature and seeks to delete from the Act the term "sub-location" which was rendered obsolete by the Constitution of Kenya in 2010 and substitute it with the word "ward".
31. The Committee recommends that **Clause 4** be agreed to.

**CHAPTER THREE:
COMMITTEE'S OBSERVATIONS AND RECOMMENDATIONS**

3.1 COMMITTEE'S OBSERVATIONS

32. As relating to the Bill, the Committee observed that-

- (a) through an advertisement on 26th March 2019, the Clerk of the National Assembly invited the public to present submissions on the National Youth Council (Amendment) Bill, 2019, National Assembly Bill No. 8 of 2019 sponsored by Hon Gideon Keter, to be received by the Committee on or before 2nd April, 2019
- (b) as at that the close of business on 2nd April, 2019, the Committee had not received any written submissions on the Bill. On the 12th September, 2019 and 18th September 2019, well beyond the stipulated timeline for submission of memoranda by the public, the Clerk of the National Assembly received memoranda from the Organisation of African Youth-Kenya and the Kenya YSO Consortium respectively. The Committee was, at that time, in the process of finalization of its report on the Bill and resolved not to consider the two out of time memoranda as the content did not relate to amendments before it and also for want of compliance with the deadline for submission of memoranda.
- (c) During the stakeholder consultation meeting with the sponsor of the Bill and the Ministry of Labour and Social Protection held in Mombasa County on 1st April, 2019, the Ministry requested that all amendments contained in the Bill be shelved pending complete overhaul of the National Youth Council Act. The intended amendments by the Ministry were to be introduced at a future date but a draft National Youth Council (Amendment) Bill was presented to the Committee for consideration of the specific clauses that the present Bill seeks to amend;
- (d) The sponsoring member's right to legislate may not be curtailed by the intention of the Ministry to present a future legislative proposal overhauling the entire National Youth Council Act. At the time of tabling this report, the sponsoring Member had not sought the

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withdrawal of the Bill and neither had the Bill from the Ministry been formally introduced in the House for consideration;

- (e) it was in order to consider the proposed amendments by the Ministry of Labour and Social Protection as relating to the specific clauses on the composition of the Council, that the present Bill seeks to amend. However, noting that the remaining amendments in the draft Bill from the Ministry relate to the entire National Youth Council Act, inclusion of the same into the current Bill would offend the provisions of Standing Order 133(5) by unreasonably and unduly expanding the subject of the Bill.
- (f) Similarly, the amendments proposed by the Organisation of African Youth-Kenya and the Kenya YSO Consortium related to sections of the Act that the Bill under consideration did not seek to amend. The Committee took cognizance of the amendments but could not consider the same for incorporation in the Bill as this would offend the provisions of standing order 133(5) by unreasonably and unduly expanding the subject of the Bill.
- (g) the Bill contains certain amendments of a miscellaneous nature that seek to replace obsolete terminology such as “permanent secretary” and “minister” which were, by dint of the present Constitution, replaced by the terms “Principal Secretary” and “Cabinet Secretary” respectively;
- (h) the crux of the Bill is to increase the number of youth membership of the Council from eight to nine and to ensure their appointments are made through a competitive process. This amendment would make the total membership of the Council an odd number, which is ideal for voting purposes;
- (i) ensuring that appointment of the youth to the Council follows a competitive process promotes the values and principles of public service contained in Article 232 of the Constitution by requiring fair competition and merit as the basis of appointments;
- (j) the membership of the Council is presently comprised of 22 members. Whereas increasing the number of youth by one person will ensure the Council has an odd number, which is ideal for voting purposes, the enhancement will also render the Board’s membership bloated. This

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is contrary to the stipulated numbers under the State Corporations Act, which requires a board to have no more than 15 persons;

- (k) there is need to provide for qualifications applicable to the youth members of the Board as a criteria for the proposed competitive and merit based recruitment. As it is presently, the Act only stipulates qualifications to be held by the Chairperson. Further, there is need to provide for a selection criteria which will decentralise the appointment of the youth council members.

3.2 COMMITTEE'S RECOMMENDATION

33. The Committee, having considered the Bill clause by clause proposes that the National Youth Council (Amendment) Bill be passed subject to the following amendments-

CLAUSE 2

THAT the Bill be amended by deleting clause 2 and substituting therefor the following new clause 2—

“2. Section 2 of the National Youth Council Act (in this Act referred to as “the principal Act”) is amended by deleting the definition of the term “Minister” and substituting therefor the following new definition in proper alphabetical sequence-

“Cabinet Secretary” means the Cabinet Secretary for the time being responsible for matters relating to youth affairs.”

CLAUSE 3

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

“3. The principal Act is amended by deleting Section 5 and substituting therefor the following new subsection—

(1) The Council shall consist of—

- (a) a non-executive chairperson, who shall be a youth, appointed by the President;
- (b) the Principal Secretary responsible for matters relating to youth or his or her representative nominated in writing;

- (c) the Principal Secretary responsible for matters relating to youth or his or her representative nominated in writing;
 - (d) the Principal Secretary responsible for matters relating to finance or his or her representative nominated in writing;
 - (e) the Attorney General or a representative nominated in writing;
 - (f) ten persons, being youth, appointed by the Cabinet Secretary; and
 - (g) the Secretary to the Board, who shall be the Chief Executive Officer and an ex-officio member of the Council and shall not have a vote.
- (2) The members under subsection (1) (f) shall be appointed through an open, transparent and competitive process through the procedure prescribed in the Third Schedule.
- (3) In appointing members to the Council under subsection (1)(f), the Cabinet Secretary shall ensure that—
- (a) there are equal opportunities for persons with disabilities, persons from marginalized communities and persons from professional bodies;
 - (b) not more than two thirds of the members of the council are of the same gender; and
 - (c) the membership of the Council reflects the regional and ethnic diversity of the people of Kenya.
- (4) A person is qualified for appointment as the chairperson, if the person—
- (g) possesses at least a Bachelor's degree from a university recognized in Kenya;
 - (h) has at least five years' post qualification experience;
 - (i) is not a holder of any other public office;
 - (j) is a member of an active registered youth group;
 - (k) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and
 - (l) is a youth.
- (5) A person is qualified for appointment as a member of the council under subsection

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(1)(f), if the person—

- (g) possesses at least a post-secondary education certificate from an institution recognised in Kenya;
- (h) has at least three years' post qualification experience;
- (i) is not a holder of any other public office;
- (j) is a member of an active registered youth group;
- (k) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and
- (l) is a youth.

(6) An appointment under subsection 1(a) and (f) shall be by name and notice in the *Gazette*.

NEW CLAUSE

THAT the Bill be amended by inserting the following new clause immediately after clause 4—

“5. The principal Act is amended by inserting the following new schedule immediately after the Second Schedule—

Third Schedule

(s. 5)

PROCEDURE FOR APPOINTMENT OF MEMBERS OF THE COUNCIL

7. Manner of selection of candidates

The candidates eligible for appointment as members of the Council shall be selected in an open, transparent and competitive process at the County level.

8. County Selection Panel

There shall be a selection panel in every County which shall comprise of-

- (i) the County Commissioner who shall be the Chairperson;
- (j) the County Director of youth affairs;
- (k) the County Director of social development services;
- (l) the County Director of gender affairs;
- (m) two persons representing faith based organisations;

- PDF Compressor Free Version
- (n) a representative from the Chamber of Commerce;
 - (o) a representative from the Commissioner of Scouts; and
 - (p) the county chairperson for the organisation responsible for persons living with disabilities.

9. Role of the Parent Ministry

Each selection panel shall, subject to this Act, determine its own procedure, and the Cabinet Secretary shall provide each selection panel with such facilities and such other support as it may require for the discharge of its functions.

10. Selection of Nominees at County Level

- (c) Each selection panel at the County level, shall within seven days of its convening, invite applications from qualified persons and publish the names and qualifications of all applicants in the Kenya Gazette and the Ministry's website.
- (d) Each selection panel at the county level shall within seven days of receipt of applications under subparagraph (a) consider the applications, interview and shortlist two persons, being male and female, qualified for appointment as members of the Council and shall forward the names of the shortlisted persons to the Cabinet Secretary.

11. Appointment by the Cabinet Secretary

The Cabinet Secretary shall, within seven days of receipt of the names forwarded under paragraph 6, appoint ten members under section 5(1) (f) to the Council.

12. Dissolution of the Selection Panels

The selection panels shall stand dissolved upon the requisite appointments being made under paragraph 6.

**HON. ALI WARIO, M.P.,
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON LABOUR AND SOCIAL WELFARE.**

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REPUBLIC OF KENYA



THE NATIONAL ASSEMBLY
TWELFTH PARLIAMENT - THIRD SESSION

In the Matters of consideration of:

1. The Industrial Training (Amendment) Bill (National Assembly Bill No.4 of 2019)
2. The National Youth Council (Amendment) Bill (National Assembly Bill No.8 of 2019)

SUBMISSION OF MEMORANDA

Article 118(1)(b) of the Constitution provides that, "Parliament shall facilitate public involvement in the legislative and other business of Parliament and its Committees." Standing Order 127(3) provides that, "the Departmental Committee to which a Bill is committed shall facilitate public participation through appropriate mechanism, including inviting submission of memoranda and holding public hearing and shall take into account views and recommendations of the public when the Committee makes its report to the House."

The Industrial Training (Amendment) Bill, 2019 seeks to amend section 5B of the Industrial Training Act to provide for the transfer of the training levy collection function from the Director General, National Industrial Training Authority to the Commissioner General, Kenya Revenue Authority. It also seeks to amend section 5C of the principal Act to provide for the formula of distribution of the training levy among employers, training institutions and the Higher Education Loans Board.

The National Youth Council (Amendment) Bill, 2019 seeks to amend sections 5 and 6 of the National Youth Council Act to provide for the competitive recruitment of the youth serving in the Council through the offices of County Directors of Youth.

The above mentioned Bills have undergone First reading and are committed to the Departmental Committee on Labour and Social Welfare for consideration and thereafter report to the House.

Pursuant to Article 118(1)(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders, the Committee invites interested members of the public to submit any presentations they may have on the aforementioned Bills, copies of which may be accessed from the Parliamentary Website at www.parliament.go.ke. The representations or written submissions may be forwarded to the Clerk of the National Assembly, P.O. Box 41842-001 Nairobi; hand-delivered to the Office of the Clerk, Main Parliament Buildings, Nairobi; or emailed to the clerk@parliament.go.ke; to be received on or before Wednesday, 3rd April, 2019 at 5.00 pm.

EL. R SIALAL, EBS
THE NATIONAL ASSEMBLY

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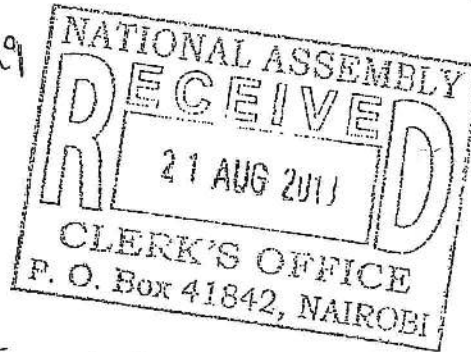
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21st August 2019

⑤ GINPACTH
Please provide
as requested
FA 22/8/19

③ CHEMENO
Please note
FA 22/8/19

THE CLERK OF NATIONAL ASSEMBLY
PARLIAMENT BUILDINGS,
P.O BOX 41842-00100
NAIROBI



0/1/19
re provide.
CA 22/8/19

Dear Sir/Madam,

RE: THE NATIONAL YOUTH COUNCIL AMMENDMENT BILL 2019

Our attention is drawn to the ongoing debate on the National Youth Council Amendment Bill 2019 that is before the house.

The consortium membership consists of Youth Serving Organizations in Kenya. As a consortium of Youth Serving Organizations, we hereby write this letter to seek the true status of the Bill as it is in the National Assembly for the purpose of stakeholder engagement and or Public Participation.

We would also appreciate if we can receive a copy of the bill as it is before the house. A softcopy of the same can be sent to info@pawa254.org or we can pick a hard copy of the same from your offices.

Your swift response on this matter will be highly appreciated

Sincerely,

Vincent Odhiambo,

Chair, YSO Consortium

Executive Director

PAWA 254

Diana Sifuna

Secretary, YSO Consortium

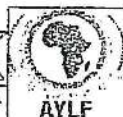
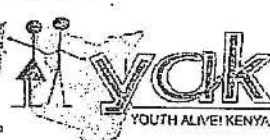
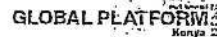
Executive Director

Youth Agenda

CC. Cabinet Secretary, Ministry of Public Service, Youth and Gender Affairs

CEO, National Youth Council

CEO, Kenya Young Parliamentarians Associations



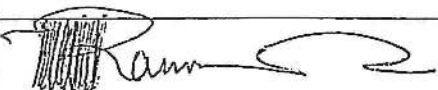
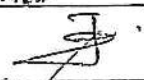


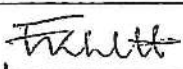
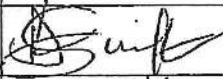
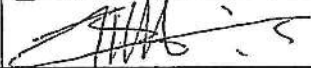

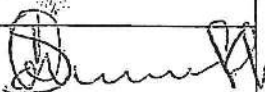
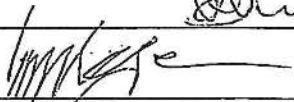
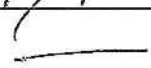
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KENYA NATIONAL ASSEMBLY – 12TH PARLIAMENT
DEPARTMENTAL COMMITTEE ON LABOUR & SOCIAL WELFARE
REPORT ADOPTION SCHEDULE

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THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL, 2019 (NO. 8 OF 2019)

DATE: 7TH OCTOBER, 2019

No.	NAME	SIGNATURE
1.	The Hon. Ali Wario, MP – Chairperson	
2.	The Hon. Joyce Korir Chepkoech, MP – Vice Chairperson	
3.	The Hon. Gladys Wanga, MP	
4.	The Hon. Janet Marania Teyiaa, MP	/
5.	The Hon. Alfred Kiptoo Keter, MP	
6.	The Hon. Janet Nangabo Wanyama, MP	
7.	The Hon. Ronald Kiprotich Tonui, MP	
8.	The Hon. James Onyango K'Oyoo, MP	
9.	The Hon. Rose Museo, MP	
10.	The Hon. Fabian Kyule Muli, MP	
11.	The Hon. Ole Sankok David, MP	
12.	The Hon. Abdi Mude Ibrahim, MP	
13.	The Hon. Michael Mwangi Muchira, MP	
14.	The Hon. Safia Sheikh Adan, MP	
15.	The Hon. Tom Mboya Odege, MP	
16.	The Hon. Catherine Wambilianga, MP	
17.	The Hon. Charles Kanyi Njagua, MP	/
18.	The Hon. Omboko Milemba, MP	
19.	The Hon. Wilson Sossion, MP	

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MINUTES OF THE SITTING OF THE DEPARTMENTAL COMMITTEE ON
LABOUR AND SOCIAL WELFARE HELD ON TUESDAY 8TH OCTOBER, 2019 AT
9.30AM AT THE CPA ROOM, MAIN PARLIAMENT BUILDING

PRESENT

1. The Hon. Ali Wario, MP - Chairperson
2. The Hon. Joyce Korir, MP - Vice Chairperson
3. The Hon. Gladys Atieno Wanga, MP
4. The Hon. James Onyango K'Oyoo, MP
5. The Hon. Tom Mboya Odege, MP
6. The Hon. Omboko Milemba, MP
7. The Hon. Safia Sheikh Adan, MP
8. The Hon. Abdi Mude Ibrahim, MP
9. The Hon. Fabian Kyule Muli, MP
10. The Hon. David Ole Sankok, MP

APOLOGY

1. The Hon. Ronald Kiprotich Tonui, MP
2. The Hon. Janet Nangabo, MP
3. The Hon. Alfred K. Keter, MP
4. The Hon. Rose Museo Mumo, MP
5. The Hon. Michael Mwangi Muchira, MP
6. The Hon. Janet Marania Teyiaa, MP
7. The Hon. Catherine Wambilianga, MP
8. The Hon. Charles Kanyi Njagua, MP
9. The Hon. Wilson Sossion, MP

IN ATTENDANCE

The National Assembly Secretariat

1. Mr. Adan Sora Gindicha -Clerk Assistant I
2. Mr. John Mugoma -Clerk Assistant II
3. Ms. Doreen Karani -Legal Counsel
4. Mr. John Mungai -Audio Officer

AGENDA

1. Prayers
2. Preliminaries
 - i. Introductions
 - ii. Communication from the Chairperson
 - iii. Confirmation of Minutes of previous Sitzings

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iv. Matters Arising

3. Consideration and Adoption of Committee Reports on Labour Relations Amendment Bill, 2019 and the National Youth Council Amendment Bill, 2019
4. Any Other Business
5. Adjournment/Date of the next Sitting

MIN.NO. DC/LSW/276/2019:- PRELIMINARIES

The Chairperson called the meeting to order at 9.40am and thereafter a prayer was said.

The Chairperson then welcomed the Hon. Members to the meeting and informed the Committee that:-

- i. the main agenda of the meeting was to consider and adopt the reports on Labour Relations Amendment Bill and the National Youth Council Amendment Bill.
- ii. the Committee visited Mama Ngina Children's home in South C and Joska Foster Care Centre on Tuesday 1st Oct, 2019. The Committee will schedule visits to other Child Welfare facilities across the country before compiling its report
- iii. the following business was pending before the Committee;
 - the Care and Protection of Older Members of Society Bill (Senate Bill No. 17 of 2018)
 - Legislative Proposal on Children (Amendment) Bill, 2019
 - Legislative Proposal on NGAAF Bill (2019)
 - Legislative Proposal on Institute of Social Work Professional Bill, 2019
 - Petition on Leniency in requirements in accessing Public Sector Employment.
- iv. the Committee will hold a three days retreat from 31st Oct to 4th November in Mombasa to look into pending work including the issue of Agpo at the KPA and NSSF which was not concluded during the last retreat.

MIN.NO. DC/LSW/277/2019: CONFIRMATION OF THE MINUTES FROM THE PREVIOUS SITTINGS

Confirmation of the Minutes of the previous sitting was deferred to the next sitting.

MIN.NO. DC/LSW/278/2019: CONSIDERATION AND ADOPTION OF COMMITTEE REPORTS ON NATIONAL YOUTH COUNCIL (AMENDMENT) BILL, 2019 (NO. 8 OF 2019)

The Legal Counsel took Members through the draft report highlighting the following key areas:-

1. Overview of the Bill;
2. Public Participation;
3. Clause by Clause consideration;
4. Committee Observations and Recommendations.

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Clause by Clause consideration

1. CLAUSE 2 Agreed to.
2. CLAUSE 3 Agreed to with the following amendments-

i) Clause 3 of the Bill be deleted and substituted with the following new clause-

“(3) Section 5 of the principal Act is amended by

(a) deleting subsection (1) and substituting therefor the following new subsection—

(1) The Council shall consist of—

(a) a non-executive chairperson, who shall be a youth, appointed by the President on recommendation of the Cabinet Secretary;

(b) the Principal Secretary responsible for matters relating to youth or a representative nominated in writing;

(c) the Principal Secretary responsible for matters relating to youth or a representative nominated in writing;

(d) the Principal Secretary responsible for matters relating to finance or a representative nominated in writing;

(e) the Attorney General or a representative nominated in writing;

(f) ten youth appointed by the Cabinet Secretary; and

(g) the Chief Executive Officer who shall be the Secretary and an ex-officio member of the Council.

(2) The members under paragraph 6 (1)(f) shall be appointed through an open, transparent and competitive process in the manner prescribed in the Third Schedule.

(3) In appointing members to the Council under paragraph 6(1)(f), the Cabinet Secretary shall ensure that there are equal opportunities for persons with disabilities, persons from marginalized communities, and persons from professional bodies and that not more than two thirds of the members of the council are of the same gender.

(b) deleting subsection (2) and substituting therefor the following new subsection-

“(2) A person is qualified for appointment as the chairperson, if the person—

(a) possesses at least a Bachelor’s degree from a university recognized in

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Kenya;

- (b) has at least five years' post qualification experience;
- (c) is not a holder of any other public office;
- (d) is a member of an active registered youth group;
- (e) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and
- (f) is a youth.

(c) inserting the following new subsection after subsection (2) —

(2A) A person is qualified for appointment as a member of the council under paragraph, if the person—

- (a) possesses at least a Post-secondary education certificate from an institution recognised in Kenya;
- (b) has at least three years' post qualification experience;
- (c) is not a holder of any other public office;
- (d) is a member of an active registered youth group;
- (e) meets the requirements of chapter six of the Constitution and any written law relating to integrity; and
- (f) is a youth.

ii) In view of the proposed amendment to clause 3 the Committee proposed a schedule outlining the manner of appointment of the ten youth members of the council.

3. CLAUSE 4- Agreed to.

Committee Observations

The Committee observed that the Organization of African Youth-Kenya and Kenya YSO Consortium presented memoranda on 12th and 18th Sept, 2019 respectively. The Committee could not consider the memoranda since they were against the provisions of S.O 133(5) and that they were also submitted way after the official period specified for submission of memoranda.

Way Forward

The Committee rejected the submissions by the Organization of African Youth-Kenya and Kenya YSO Consortium since they were contravening S.O 133(5) and were submitted later after the lapse of the seven days period. That the memoranda could in future be resubmitted for consideration at the time when the Ministry's draft which seeks to overhaul the entire NYC Act is presented in the House for consideration.

Committee Recommendations

Having considered the Bill clause by clause the Committee recommended that the National Youth Council (Amendment) Bill be agreed to subject to the amendments proposed by Hon. Members.

MIN.NO. DC/LSW/279/2019: CONSIDERATION AND ADOPTION OF COMMITTEE REPORT ON LABOUR RELATIONS AMENDMENT BILL, 2019

Way Forward

To conclusively deliberate on the Bill and due to tripartite nature of Labour Relations, the Committee resolved that the Chairperson should request for extension of time from the Speaker so that the Committee could get further views from all key stakeholder and Labour Relations experts. This will help the Committee to get fresh ideas from the stakeholders.

It was further resolved that the consultative workshop should be held in Nairobi in the first week of November.

MIN.NO. DC/LSW/280/2019: ANY OTHER BUSINESS

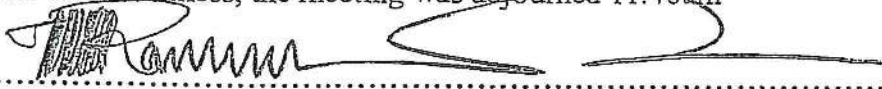
Debate on the Report on Fact Finding Mission in Saudi Arabia

Members were notified that the resumption of the debate on the above report was scheduled for Tuesday 8th Oct, 2019 Afternoon.

The Committee noted that the report generated a lot of interest from Hon. Members and as such, Hon. Members were requested to support it.

MIN.NO. DC/LSW/281/2019: ADJOURNMENT

There being no other business, the meeting was adjourned 11:40am

SIGNED: 

The Hon. Ali Wario, M.P
(Chairperson)

DATE: 15th Oct 2019

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REPUBLIC OF KENYA
PARLIAMENT

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19/9/19

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19/9/19

Hon. Gideon Keter, MP.
Nominated (Youth Representative)

1st Vice President: World Scout Parliamentary Union (K)
Member: Regional Integration Committee

Parliament Buildings
Tel: +254 20 2221291
P. O. Box 41842 - 00100
Nairobi, Kenya

Office Mobile: +254 787 260 260
Mobile: +254 725 166 062
E-mail: gideon.keter@parliament.go.ke
Office Email: youth@parliament.go.ke

Ref: PYO-CNA/NYC Bill 1yy/2019

Mr. Michael R. Sialai, EBS
Clerk of the National Assembly,
Parliament Buildings,
NAIROBI

D. D. D.
I will submit
cut to Comander.
17th September, 2019
CHG

Dear Sir,

RE: SUBMISSION OF MEMORANDUM REGARDING THE NATIONAL YOUTH COUNCIL (AMENDMENT) BILL 2019

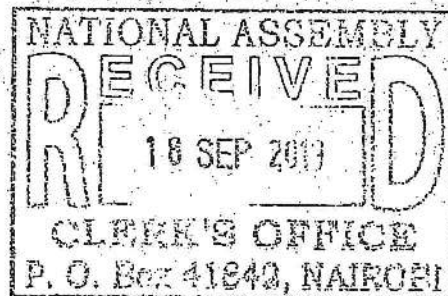
The aforementioned subject matter refers.

Further to the first reading deliberations on the NYC Bill 2019, and as the sponsor of the bill, various Youth Serving Organizations and stakeholders have come forth to express their desire in initiating amendments to the proposed bill. They have conducted public participation forums with young people both online and offline to gather requisite views for the bill. These views have been compiled and organized into a report to suit the new Constitution of Kenya 2010 dispensation.

It is for the above stated reasons that I formally submit the memoranda that were presented to my office by a consortium of youth organizations. These proposals I intend to be introduced as amendments to the bill after scrutiny by the legal department of the National Assembly. Kindly accept receipt of the documents attached with this letter.

Yours,

Gideon Keter
HON. GIDEON KETER, MP



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12th September, 2019

To;

Hon Gideon Keter

The Speaker, National Assembly

The Clerk, National Assembly

The Majority Leader, National Assembly

The Minority Leader, National Assembly

The Chairperson, Labour and Social Welfare Committee, National Assembly

The Senate Chairperson, Standing Committee on Labour and Social Welfare

The Kenya Young Parliamentarians Association

The Cabinet Secretary, Ministry of Public Service, Gender and Youth

Dear Madam/Sir,

Re: Youth Reference Group on NYC Bill Recommendations

Receive warm greetings from Organisation of African Youth (OAYouth). OAYouth is a member-based, non-profit organization. In Kenya, we focus on economic empowerment, health and climate change with gender, leadership and governance as cross cutting issues.

We hosted consultations on the NYC 2019 Bill, online and offline, targeting youth and youth serving organizations across the county to review the Bill and also analyze the NYC 2009 Act.

Our focus is on how the grassroots/county-based youth, youth-led and serving organizations can take proactive roles in the implementation of the national youth policy (under review) in partnership with the NYC, the custodian of the policy. We believe that it is critical that the Bill reflects such aspirations and gives the county-based organizations and individuals leverage on the composition and operations of the Council.

Kindly find the attached Youth Reference Group on NYC Bill Recommendations, Online Consultations Report, Comparative Analysis of various countries' National Youth Councils and Consultations attendance signing sheets.

For further communication, please contact the Youth Reference Group on NYC Bill Co chairs Irene Asuwa (0701387026) Sharon Migariza (0735684009)

We look forward to your support in the whole process.

Sincerely,

Michael Asudi



National Coordinator,
Organization of African Youth-Kenya

Youth Reference Group on National Youth Council Bill, NYC Bill

2019

MEMORANDUM

Preamble

Africa Union Heads of State adopted African Youth Charter, a policy framework, in which the Member States committed to development of youth at the Summit in Banjul, Gambia in July 2006.

Article 12 of the Charter mandates every member state to develop a National Youth Policy. Article 12 (i) also states that “a national youth coordinating mechanism shall be set up and shall provide a platform as well as serve as a linking agent for youth organizations to participate in youth policy development as well as the implementation, monitoring and evaluation of related programmes”

Further, The East Africa Youth Policy, 2013, article 9 reads “this policy shall seek to establish an East African Community Youth Council within the East African Community to provide a platform and a reference body for the youth of East Africa. It will seek to effectively engage the youth in the integration process of the East African Community.”

Kenyan Parliament is currently debating NYC Bill 2019, set to repeal NYC Act, 2009. The NYC will be the custodian of the Kenya National Youth Development Policy (currently under review).

Under the banner of **Youth Reference Group on National Youth Council Bill 2019**, we collected views online and offline from youth across the country on the NYC Bill, 2019. On Tuesday 3rd Sept, 2019 at YMCA Central Branch, Nairobi, we gathered to finalize and validate the recommendations for the Bill.

Our focus is on how the youth and grassroots/county-based youth-led and serving organizations can take proactive roles in the implementation of the national youth development policy (under review) in partnership with the National Youth Council, the custodian of the policy.

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It is our prayer that the Bill reflects such aspirations and gives the county-based organizations and individuals leverage on the composition and operations of the council. Further as part of the process, the Kenya Parliament should reflect on the **implications** of debating and passing a Bill to establish NYC (custodian of the National Youth Policy) before conclusion, adoption and launch of the National Youth Policy (currently under review).

Based on the feedback from various stakeholders, youth workers, and advocates of the High Court of Kenya, we recommend the following;

A. Introduction

This Memorandum summarizes our recommendations for improving the National Youth Council Bill, 2019.

B. Headquarter and Offices

We recommend that the Bill provides that the Headquarter of the Council shall be in Nairobi and there shall be County offices for Purposes of Coordination.

C. Issues

1. Section 6: Election of Chairperson and Vice Chairperson

i. Election of Chairperson

Recommendation

We recommend that the Chairman of the Council be elected (as opposed to being appointed) by and from among members of the Council.

Rationale

This will not only ensure accountability but also do away with political interference from the Cabinet Secretary who will most likely pick a friend or a relative or someone who is easy to manipulate. The modern democracy is

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moving away from appointments to elections as a cure to the problem of the president *appointing or disappointing*.

ii. The Office of the Vice Chairperson

We recommend that an office of the Vice Chair Person be created.

Rationale

S/he will step in when the office of the chair falls vacant for whatever reason. This will ensure uninterrupted business of the Council. In addition to that, the chair and vice/deputy chair not to be of the **same gender**.

iii. Election of the Youth Council Members

Section 6 (1) (f) provides for 10 youth to be 'appointed' as per the First Schedule. Paragraph 7 (a) of the First Schedule puts the number at 20.

The proposed mode of 'appointing' the 10 youth as per the First Schedule is a two-tier system starting with selection of two representatives from each county by the County Selection Panel. The panel is made up of county officials outlined at paragraph 3. The 94 selected county representatives meet at the national level to form the National Youth Electoral College to elect 20 from among themselves for appointment as Council members. This proposal is not well thought for a number of reasons:

- a. The County Selection Panel interviewing and selecting the county representatives takes away any possibility of the youth directly choosing their representatives. This is in direct conflict with the provisions of Article 10 of the Constitution of Kenya which lists democracy and public participation as some of the national values and principles of governance. Public participation refers to the act of members of the public taking part in something such as election of their leaders so that the end product bears the seal of public approval;

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- b. The 94 selected county representatives are expected to vote and elect 20 of them as members of the Council. It is impossible to get the 20 (or 10 assuming the contradiction is corrected) by asking 94 people who all need to join the Council to choose 20 from among them. Any voting will end up with a tie of 1 vote for each member of the National Youth Electoral College meaning they all shall tie at position 1;
- c. The Bill proposes that the names of the 20 elected youth to be forwarded to the Cabinet Secretary for 'appointment'. The appointment is unnecessary when election has been done. An appointment connotes the discretion to pick or reject yet we are told that nothing is bigger than the ballot;
- d. Speaking about ballot, the Bill is silent on whether the voting at the National Youth Electoral College shall be by way of secret ballot.

Recommendation

Our recommendation is that the Chairperson and the vice chairperson be elected by the 94 delegates from the counties. The Elected chair to appoint members, from among the 94 county delegates, to join the council with approval of the government representatives. The appointment shall consider gender, regional and ethnic balance. Not more than one person per county shall be appointed.

The Process of election should be by way of Secret Ballot, facilitated by IEBC and one that is alive to Regional balance, Gender balance, Ethnic balance, persons with disability etc

2. Composition of the council

Recommendations

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Besides the youth members discussed above, the Council should also include:

- a. **The Ministry of Education** whose input during deliberation on education and training policies by the Council will be invaluable
- b. **The National Employment Authority** a body created under the National Employment Authority Act, 2016 and mandated to, among others, register persons seeking employment and connect them with available opportunities, facilitate the implementation of the national policies on employment and advise both the national and county government on any policy matter concerning employment;
- c. **The Ministry of Sports;**
- d. **MP nominated to represent the Youth;** The Member of Parliament should form part of the Council since he is the one who is the voice of the Youth in Parliament:

In line with the **East Africa Youth Policy, 2013 and EAC Youth Council Bill, 2017**, we also propose:

- e. Youth representatives of **Student bodies or a body representing students** in higher institutions to give the Council the students/trainees perspective on various youth issues (competently elected)
- f. Youth representatives of **Persons with Disability** (competently elected/selected)
- g. Youth representatives of **Civil Society** (competently elected/selected)

Rationale

Including these Parties in the Council will help to ensure that Article 55 of the Constitution which provides that the Government shall take all measures including affirmative action to safeguard the well being of the Youth.

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3. Qualification and disqualification

- i. We recommend that qualification for one to be appointed chairperson under section 7 should also apply to the Vice Chair Person.
- ii. We recommend that other than the 5 years' experience, also include demonstrable ability, knowledge, passion and experience for youth affairs
- iii. Also include how a Vice Chair can be selected on Gender inclusion basis
- iv. We recommend that Section 8 (c) on disqualification to read 'convicted of any criminal offence'.
- v. We recommend that Section 10 to be amended to give members of the Council powers to remove the Chair, Vice Chair or Council member either by voting (two thirds) or setting up an ad hoc disciplinary tribunal to investigate any complaint or allegation and make recommendation to be adopted or rejected by the Council. Decision of removal to be communicated to the Cabinet Secretary. This will bar politically motivated removals.
- vi. In Section 8, we recommend that the process of disqualification of appointment of chairperson/member be separated for clarity purposes.

4. Functions of the Council

We recommend that the Bill should retain the functions of the Council as per section 4 of the National Youth Council Act, 2009.

We also recommend that the amendments to include the Functions to:

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- advise on the formulation of Youth-affairs policies and strategies for national and county governments;
- advise both the national and county governments on any policy matter concerning youth representation and inclusion;
- Convene an Annual Youth Conference to dialogue and discuss matters youth
- Present and Publish Annual Reports to Parliament and on the Website on the state of youth affairs and inclusion of youth in matters governance and employment

In addition to the functions above, the Council should have powers to approve members nominated by the Chair, remove the Chair, Vice Chair or any member, participate or vet and approve the MPs and senators proposed for election to the respective houses under articles 97 and 98 of the Constitution. This will attract election on merit and also make the youth rep legislators more active and accountable to the youth.

5. There should be provisions for functions of the Chair to include convening meetings and consequently, the position of the CEO/ Secretary to be to head the Secretariat.

6. Remuneration

Remuneration of Council members to be set (and not recommended) by SRC as per article 230 (4) (a) of the Constitution. This will eliminate possible ad hoc upward or downward revision of salaries and allowances.

7. Staff

We recommend that there be a condition under section 20 of the Bill to the effect that the staff of the Council/Secretariat to be youth in line with Article 55 of the Constitution of Kenya.

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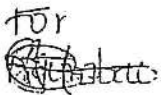
8. Meetings

Second Schedule (Section 16)

About meetings; let the Council have meetings ones or twice a month. The ministry must take charge of facilitation of the same. These meetings note that they should be held in rotational manner; that's from county to county.

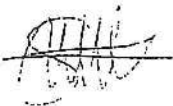
Signed

Youth Reference Group on NYC Bill Co chair

for


Irene Asuwa

Youth Reference Group on NYC Bill Co-Chair



Sharon Migariza

National Coordinator, KAYSRR Network/Organization of African Youth-Kenya



Michael Asudi

MEMORANDUM

Comparative Analysis of National Youth Councils for the Kenya NYC Bill, 2019

1. Uganda National Youth Council

Section 2 of the National Youth Council Act 1993 provides for the establishment of a National Council to be known as the National Youth Council. The Council shall be a body corporate, shall have perpetual succession and a common seal and may sue and be sued in its corporate name.

The National Council is the main policy making body of the Council. Under Section 5(1) of the National Youth Council Amendment Act 2003, the Council shall consist of the following; -

- The National Youth Executive Committee;
- The Chairperson of every district Youth Council;
- The secretary for Female youth at the district level
- The secretary for finance at the District level
- Eight representatives of Non-governmental organizations involved in youth activities nominated on regional basis by the National Executive Committee in consultation with the Non-Governmental Organizations Board;
- A representative of youth persons with disabilities
- Four students' representatives elected by the Uganda National Students Association, two of whom shall be female and one from a secondary school;
- The Executive Secretary of the National Youth Council;
- Members of Parliament Representing the Youth

2. The Youth Council Of Tanzania

The Youth Council of Tanzania Act, 2015, applies to Tanzania Mainland

Composition

- Chairman recommended by the General Assembly and appointed by the Minister;
- one representative of a Regional Youth Council; and
- the Secretary

Uniqueness

(2) The Council may co-opt any person to attend any of its meetings provided that such person shall have no right to vote

3. Zambia National Youth Council

The National Youth Development Council (NYDC) was established under an Act of parliament Cap 144 of the Laws of Zambia of 1986. The main function of the Council is to advise the Government on youth development matters, register and coordinate youth organizations, mobilize additional resources for youth development programmes and administer a micro financing scheme for the youth of Zambia as well as develop leadership among youth organizations and their members.

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Composition of Zambia National Youth Council

The council shall be composed of—

- the Director of Youths;
- twenty-two representative members appointed by the Minister, of whom—
 - (i) not more than four shall be public officers;
 - (ii) not more than twelve shall be persons from various youth organisations;
 - (iii) not more than three shall be persons from various organisations interested in youth development; and
 - (iv) not more than three shall be persons from amongst members of the public who have distinguished themselves in youth development.

4. The Gambia National Youth Council (NYC)

Gambia NYC was established by the government of The Gambia in the year 2000 through an Act of parliament. Apart from coordinating, planning, programming, monitoring and evaluating all youth programmes, projects and activities, the National Youth Council (NYC) as an autonomous body, is equally mandated by an Act of the National Youth Council to advise government on all youth matters in The Gambia.

The NYC consists of;

- seven municipal and regional chairpersons,
- a female representative,
- director of Youth and Sports and ;
- an executive secretary, who serves as the secretary to the Council

4. South African Youth Council

According to SA National Youth Policy 2015 – 2020 The South African Youth Council (SAYC) is a voluntary civil society youth council that represents the interests and aspirations of its various affiliated organisations. It aims to mobilise youth organisations to ensure their participation in the broader societal affairs of the country. Its affiliates are drawn from political youth organisations and issue-based organisations. Its diverse membership gives it a competitive advantage in serving as the “voice of the youth” and unifying divergent views into a common agenda for youth development.

SAYC is an autonomous, non-partisan & representative body of youth in civil society, whose member organizations are drawn from different backgrounds & sectors. This makes SAYC a voluntary association of civil society youth organizations. We represent the interests of young people that are organized in a vast spectrum of involvement including but not limited to political youth organizations, faith based youth formations, student organizations, business sector (youth chambers of business), sports arts & culture formations, NGOs, voluntary and single issue based youth organizations (as illustrated in Figure 1 below).

5. Namibia the National Youth Council

There is established a council to be known as the National Youth Council, and which for all purposes is a juristic person, under National Youth Council Act 3 of 2009

Constitution of Namibia Youth Council

The Council consists of -

- (a) the General Assembly;

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- (b) the Representative Council; and
- (c) the Board of the Council.

General Assembly

Constitution of General Assembly

- (1) The General Assembly consists of -
 - (a) four delegates from each regional youth forum;
 - (b) four delegates from each affiliate; and
 - (c) all members of the Board.

6. Proposed East Africa Youth Council, EAC YC Bill, 2017:

Proposed Composition;

8 representatives per country;

- 3 reps from the country's National Youth Council
- 1 representative of Society
- 1 representative of Persons Living with Disability ,
- 1 representative of Private sector,
- 1 representative of institution of higher learning,
- 1 representative of youth ministry

Kenya National Youth Council Bill, NYC Bill 2019

Proposed Composition

- 10 Youth appointed by the Cabinet Secretary from a pool of 20 youth interviewed in a panel headed by County Commissioner
- Non-elected non-executive Chairperson
- Elected Vice Chairperson
- Governments representatives

Gaps in Kenya National Youth Council Bill, NYC Bill 2019

- Non-existent Branches in the Counties or Sub Counties unlike the existing 2019 Act under amendment, NYC 2009 Act 6.1 (f), that recommended creation of branches from the Sub Location level.(The electoral college composed of county representatives stand dissolved after electing 20 youth)
- Non-elected non-executive Chairperson
- Selection of the 94 County representatives through interviews
- No mention of counties or county governments as per Kenyan Devolved Structures
-Review law to comply with the provisions of the County Government Act 2012

Compiled by Michael Asudi



Youth Work Expert

Youth Reference Group on National Youth Council Bill, NYC Bill 2019

MEMORANDUM

Online Voices

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Timestamp	Name	Email	Organization	My organization will support my participation (the organizers are only able to provide meals)	I have been mandated by my organization to represent it in the meeting	What are your input, feedback or recommendations on the National Youth Council Bill? The bill can be found here http://www.parliament.go.ke/sites/default/files/2019-03/National%20Youth%20Council%20%28Amendment%29%20Bill%2C%202019_compressed.pdf (Please be detailed and specify the sections you refer to)
8/30/2019 21:00:55	Kipkoec Evans	kipkoechevans83@yahoo.com	Kericho	Yes	Yes	Youth We should have a very active operational sub counties and counties offices. Well funded by the government either the national or county. The youths should be given an opportunity to elect the youths they feel should represent them in a very free and fair exercise. The board should comprise of all the 47 chairs for effective representation. The National government should prepare a package for the good send off of our current NYC leaders as an appreciation to the team. NYC annual budget should be put in public domain and how is spent for the sake of transparency and accountability. Regards Benjamin Sirreka Busia County NYC Chairperson
8/30/2019 21:01:04	Benjamin Sirreka	benjasirreka@gmail.com	National Youth Council Busia chapter	No	Yes	
8/30/2019 21:25:05	Victor sijanyl	volwande8@gamil.com	The legends Arts West	Yes	Yes	Board structure and appointive nature of the body is uncalled for.
8/30/2019 21:26:38	Yvonne Nabwire	nabwireyvonne84@gmail.com	West health solution	Yes	Yes	Memorandum of object and reasons
8/30/2019 22:16:53	Aggrey Nzomo	n.kavalu@gmail.com	National Youth Council-	No	Yes	The act should allow grassroot youths to electe their respresentatives. This will give the council acceptance among the youth.

8/31/2019 21:03:03	Lenenci nyangorilenencia@gmail.com	nyangorilenencia@gmail.com	Bunyala youth advocates and civic educators	Yes	Yes	In the national youth council bill my suggestion is that youths to be involved in the participation and should not be left behind
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Compiled by Michael Asudi

Youth Work Expert

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MEMORANDUM

Online Voices

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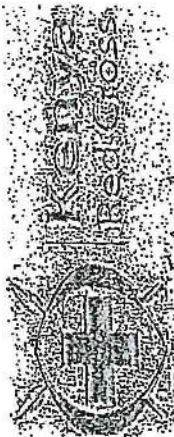
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<p>8/30/2019 22:20:48</p> <p>VITALIS OTIENO</p>	<p>olwenze@gmail.com</p>	<p>Fanikisha youth group</p>	<p>Yes</p>	<p>Yes</p>	<p>Section 4 - amendment of the structure (the structure to start NYC national, county , subcounty, ward and village level structures Section 5. Composition of the council. (The council should have representation of youth serving organization, nominated youth leaders in the assembly, number of youth elected at national should be 47 every county to be represented since 8 was the number of the provinces before the inauguration of Kenya constitution 2010. Section 6. NYC should have Powers to nominated youth in the position of nominated youth in the assembly. a) Build a platform for dialogue, debate on various topics of common interest, with a view to deepening the inspirations and vision of youth. b) Engage youth in activism, dialogue and follow-up of political and social processes in an effusive, tolerant, proactive, neutral and courageous manner towards inclusion, good governance and the consolidation of the rule of law; c) To issue opinions and / or recommendations on policies and situations affecting youth; d) Contribute to the encouragement and development of Youth Associations; e) Contribute to their debates and the issuing of positions to transform the socio-political determinants in the perspectives of youth, which highlight the strengthening of the democratization of society; f) Approve and present proposals for laws, motions of support and / or censorship on the most varied subjects that afflict society and youth in particular; g) Provide solutions, in the form of a report, opinions, manifestos and / or memoranda aimed at harmonizing interests and concerting positions, to promote merit and equal opportunities for all; h) To be a platform for replicating the activities and legislative sessions promoted by the National Assembly, with a view to neutrally expressing the positioning and vision of youth;</p>
<p>8/30/2019 22:28:47</p> <p>Antonio Braga Fazend a</p>	<p>antonio.braga97@hotmail.com</p>	<p>PARLAME NTO DE JOVENS ANGOLAN OS</p>	<p>No</p>	<p>Yes</p>	<p>My major concern is on how Kenya could achieve food security and this calls for a combined effort from the policy making that influences everything to the grassroots level. Therefore being part of this would definitely influence the process</p>
<p>8/30/2019 22:56:05</p> <p>Kalvince Otieno</p>	<p>kalvinceotieno@gmail.com</p>	<p>Food Security for Peace and Nutrition- Africa</p>	<p>Yes</p>	<p>Yes</p>	<p>Should speak to youth agenda</p>
<p>8/31/2019 5:40:18</p> <p>Allan Bungus wa Nardas aba</p>	<p>tchidiailan@gmail.com</p>	<p>YOUTH FOR SUSTAINABLE DEVELOPMENT</p>	<p>Yes</p>	<p>Yes</p>	<p>Advocating</p>
<p>8/31/2019 13:48:06</p> <p>farida nyawan ga</p>	<p>fnyawanga@yahoo.com</p>	<p>nairobi trust</p>	<p>No</p>	<p>Yes</p>	<p>Advocating</p>

8/31/2019 21:03:03	Lenencia nyangorilenencia@gmail.com	nyangorilenencia@gmail.com	Bunyala youth advocates and civic educators	Yes	Yes	In the national youth council bill my suggestion is that youths to be involved in the participation and should not be left behind
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9/3/2019 8:49:44	Sitati Wasilwa	sitatiwasilwa13@gmail.com	Kenya YMCA	Yes	Yes	Membership



STAKEHOLDERS MEETINGS LIST OF PARTICIPANTS



PROJECT NAME: FAYA
 NAME OF ACTIVITY: NABOBI
 COUNTY: NABOBI
 TARGET GROUP: Youth
 Staff in Charge (Name and Sign): [Signature]
 VENUE: NMCA

No.	Name	Identification No.	M/F	Designation	Organisation	Email Address	Cell Phone contact	Sign
1	JOSUA OJUKI	225423958	M	M	AUBREY TALANTA	luacigibambuzilis@gmail.com	0734073027	[Signature]
2	PAUL ABDUL	35167537	M	-	RUBEN YUCCA	bbayser@pergna.com	0797325674	[Signature]
3	JOHN W SHIKWA	2386682	M	Member	KABOBI	wahtuw@hkw.com	0710006031	[Signature]
4	Victor Chelishon	32385786	M	Member	NP-CON	cheshon@egmail.com	0199461068	[Signature]
5	Samuel Odhiambo	24283796	M	Member	Chauvika	siernon@egmail.com	074443827	[Signature]
6	JOSEPH TONO	2926958	M	M	DOH	josphott@egmail.com	071057183	[Signature]
7	MARY NJAMBI	24924902	F	Member	Misaka de Vige	gundis@egmail.com	077615169	[Signature]
8	Michael Sijemai	29406807	M	Member	T.L.A.	uolw@egmail.com	071055705	[Signature]
9	Sharon Hosiethgiri	33564034	F	Member	OAM	sharons@egmail.com	077783811	[Signature]
10	Miriam Obieno	2652665	F	Member	NCFN	Scmund@egmail.com	074718574	[Signature]
11	BEVERLY MUKOTE	25556859	F	Member	YMCA	mimim@ymcakenya.org	0721850832	[Signature]
12	Georgina Okonjo	30005264	F	Member	NAMA	beverlymukote@nyakinyo.org	0731088184	[Signature]
13	Violet Mbibi	26962406	F	Member	KASAP	georginaokonjo@egmail.com	0751113112	[Signature]
14	Nichol Asudi	22785957	F	Co-ordinator	KMFL/MSH	ng@egmail.com	0720223110	[Signature]
15	DANIEL MATLOTI	24924274	M	Member	NP	Michael@onyh.com	0720223110	[Signature]
16	Isaac Ayawa	23435496	F	Communication	KASAP	sharon@egmail.com	0720223110	[Signature]
17	Patricia Aili	31788227	M	Member	OAY	isaacayawa32	070267026	[Signature]
18	Rebecca Bidiante	30202752	M	Member	KAYA	bonnuch@itegm	071282441	[Signature]
19	Agnes Bessie Muthica	24187344	F	Member	OAT	rebecca_bidiante@egmail.com	0720223110	[Signature]



PROJECT NAME: FATA
 NAME OF ACTIVITY/TRAINING: Ball game review WS
 COUNTY: NAIROBI
 TARGET GROUP: YOUTH

DATE: 27/11/2019
 SUB-COUNTY: MCA
 VENUE: MCA

COMMUNITY PARTICIPANTS LIST FOR SINGLE DAY TRAININGS MEETINGS

S/N	Name	Identification No.	M/F	Age	Designation (eg CHV, Chief, community member, chair, youth group, Teacher etc)	Organisations/Unit/Village/school etc	Do you consider yourself Person living with Disability? Y/N	Cell phone contact	Email Address	Sign
1	VICTOR CHECHOKU	33385786	M	23	YOUTH GROUP LEADER	YF-LWA	Y	0799561068	chechokuvictor@gmail.com	
2	JOSEPH TOND	29826558	M		Gen Secretary	Foundation of Hope		0799577453	josphat_tond@yahoo.com	
3	JOTHAN SAKUMA	23446582	M	34	P Coordinator	WEST KENYA	X	0720060681	waswajoban@yahoo.com	
4	BRIAN EMBELI	35770046	M	20	Volunteer	YMCA	N	0716383515	embelbrian@gmail.com	
5	KALVIN OIENGO	33124959	M	25	Signiculture	FRONT KENYA MILK	N	0703859720	kalvincostrim@gmail.com	
6	Emmanuel Lekishu	34716817	M	22	Member	WNEA-2hp	N	0720445523	emmanuelm@gmail.com	
7	HARON KINYUA	31721156	M	26	Civic Renewal Party	CIP	N	0746779441	kingyua@kicpp.or.ke	
8	CHRISTILL AMIGO	35661413	M	25	Sec. Gen	Thirdway Alliance	Y	0708714988	amigochr@cultivator.com	
9	WYCLIFFE ONYANGO	20640288	M	24	JOYKSA Choir	JOYKSA Pt	N	071794127	onyangywycliff@gmail.com	
10	BASIL ODWAR	33581154	M	22	UNSA CHAIR	UNON	N	070867727	basilodwar@gmail.com	
11	MARY OSWANG	31685618	F	25	WOSWA - Patron	Patron	N	071212732	maryoswang@gmail.com	
12	ESTHER MAINGI	35710403	F	21	WOSWA - Member	Member	N	0710760328	esthermaingi@gmail.com	
13	SHARACK NDETEI	33620156	F	23	NITES - Rep.		N	0711503378	sharackndetei@gmail.com	
14	Abigail Analo	36212899	F	22	Asst vice chair	UNON	N	071212732	analogabigail@gmail.com	
15	DENNIS SAKYA	31612621	M	25	MEMBER	WOSWA	N	0702626577	dennis.sakya@gmail.com	
16	ALI ABDULI	35162637	M	24	WOSWA Youth		N	0799722557	aliabdul@gmail.com	
17	ESTHER WAMJINI	AR342000	F	21	Community member	Slum Child foundation	N	0724765744	estherwamjini@gmail.com	
18	FELIX KIPTEGON	32594476	M	24	UNON	UNON	N	0720302537	kfetusor@gmail.com	
19	TILSON OIENGO AKI	33027364	M	23	UNON	UNON	N	0716650194	tylsonaki@gmail.com	
20	PILUS KYEVA	30294495	M	26	UNON MPES-REP	UNON	N	0712533881	kyevapilus@gmail.com	
21	ANGELA ADHIA	22663387	F	35	SOZE	SOZE	N	731740644	angelaadhia@gmail.com	
22	Lynette Ouma	27060669	F		Maisha Yaivireke	MAFPPOM	N	0710468045		

ID 36824102510



PROJECT NAME: FRANK

NAME OF ACTIVITY/TRAINING: Bill Gair Pavilion WCA

COUNTRY: Kenya

TARGET GROUP: FRANK

DATE: _____

SUBCOUNTRY: WCA

VENUE: WCA

COMMUNITY PARTICIPANTS LIST FOR SINGLE DAY TRAININGS MEETINGS

S/No	Name	Identification No.	M/F	Age	Designation (eg CH/Chief/community member, chair, youth group, Teacher etc)	Organisation/Institution/school etc	Do you consider yourself Person living with Disability? (Y/N)	Cell phone contact	Email Address	Sign
1	IRACSON KATONIA	30155177	M	04	Community med	Ward 200 Soko	N	0745565110	iracsonk@gnail	
2	James Mwangi	29577719	M	27	Program Advisor	Agency for SBC	N	0701316112	mwangi@gnail	
3	Sharon Mwangi	290653253	F	26	Manager/Programmer	IFCB FP program	N	0733567860	sharonm@gnail	
4	Oluyinka TOSIAT	32486369	M	25	HSBC Youth Rep	FRYA	N	0713285391	oluyinka@gnail	
5	Collins Kipchirchir	32968908	M	23	Student	WON	N	0740244234	collinskipchirchir@gnail	
6	Bryan Mafela	33665152	M	23	Student	LSBC	N	0799529762	bryanmafela@gnail	
7	MAULIDI SANIA GIKARA	35069351	M	22	Community member	IKWAT	N	0743066675	sania@gnail	
8	AGASTON EMMANUEL	33301481	M	24	Chairman Youth Group	WOF/KISO/KTEG	N	0702300448	agaston@gnail	
9	KWESID IRENE	20686589	M	23	Wife PR	Wentworth York	N	0702274919	kwesid@gnail	
10	CHALVINS ORINWA	34157721	M	24	Chairman Youth Group	YMCA	N	0791857109	chalvins@gnail	
11	Miriam Khoo	33481176	F	23	Community member	Shungu Arts	N	0706784984	miriamkhoo@gnail	
12	DANFON MALATI	293240270	M	34	P.O. PWA	WATISARE-DART	N	072239374	danfon@gnail	
13	SITATI MARIKA	28999708	M	28	Member YUSA	Koiba YUCA	N	0715808446	sitati@gnail	
14	DEBORAH DWINGO	32786432	F	23	KNMCA	KENYA Y.	N	0746899028	deborah@gnail	
15	Mary Nyambiri	24924908	F	37	Spq. Manager	Missa Boko Boko	N	0727601519	marynyambiri@gnail	
16	NIJALI NALIBI	22786957	F	37	Executive dir	VOLTA MISA B	N	0730047300	nijali@gnail	
17	STEM SAM	23444417	M	25	Executive dir	GNP/STF	N	071255196	stem@gnail	
18	JOSPHIN ESTHER	32422958	M	25	Executive dir	GNP/STF	N	079679027	josphin@gnail	
19	Benjamin Ondici	28354799	M	27	Advocate	NGOS/STF	N	0720471554	benjamin@gnail	
20	James Odhiambo	28790964	M	29	Advocate	NGOS/STF	N	071473725	james@gnail	

Victor Sijenyi 07456884 M 24 Advocate F.L.A N 079055707 volwande@gnmail.com

Signature of Victor Sijenyi

The Above Memorandum submitted by 50 Youth Serving Organizations and Youth Groups is hereby signed by the representatives of the Consortium

Youth Serving Organizations Consortium Co-Convenor



Nerima Wako –Siasa Place

Youth Serving Organizations Consortium Co-Convenor



Mbuki Mburu –PAWA 254

Youth Serving Organizations Consortium Member (National Member)



Daniel Odinga –Action Aid International-Kenya

Youth Serving Organization Consortium Member (Grassroot Member)



Gicore Nyabuti- Slum Going Green and Clean

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MEMORANDUM OF OBJECTS AND REASONS

The object of the Bill is to establish the National Youth Council and County Youth Chapters, to provide for its functions, organization and administration; to establish the National Youth Council/ County Youth Chapters and provide for its functions, organization and administration.

Part I of the Bill provides for preliminary matters such as the short title, interpretation, objects and guiding principles.

Part II establishes the National Youth Council as a body corporate and with perpetual succession. Clause 6 provides for the Composition of the Council, being fifteen members excluding the chief executive officer who shall be an ex officio member of the Council. Clause 7 provides for the qualifications for members and Chairperson of the council and qualifications for members and chairperson of the county youth chapters. Clause 10 provides for the removal from office of Chairperson or member for gross misconduct or breach of the provisions of the Constitution. Clause 11 provides for the function of the Council which among other things includes to, collaborate with the Ministry and other relevant lead agencies and stakeholders to establish a comprehensive youth and youth focused organizations database. Clause 22 provides for the protection on things done in good faith by a member of the Council or by any person working under the instructions of the Council. Clause 23 to 25 introduces the County Youth Chapters, their functions and powers. Clause 26 provides for Youth serving Organizations as corporate members of the Council.

Part III provides for the financial provisions. Funds of the Council and County Youth Chapters under clause 27, includes monies appropriated by Parliament and Corporate Membership for purposes of the Council; any grants, membership fees, gifts, donations or other endowments given to the Council; and such funds as may vest in or accrue to the Council in the performance of its functions under this Act or any other written law. Clause 28 provides for the annual estimates. Clause 29 provides for the Accounts and Audit.

Part IV provides on miscellaneous provisions such as the annual reports and regulations. Clause 30 provides for the Annual report while clause 31 mandates the Cabinet Secretary to make regulations to give effect to the provisions of the Act.

Part V provides for the savings, transition provisions and repeal of the National Youth Council Act, No. 10 of 2009.

Dated the 17th September, 2019

2. Disclosure of interest

- (1) If a member is directly or indirectly interested in any contract, proposed contract or other matter before the Council/ County Youth Chapter and is present at a meeting of the Council/ County Youth Chapter at which the contract, proposed contract or other matter is the subject of consideration, that member shall, at the meeting and as soon as practicable after the commencement thereof, disclose the fact and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matter, or be counted in the quorum of the meeting during the consideration of the matter.
- (2) If the majority of the members present are of the opinion that the experience or expertise of such member is vital to the deliberations of the meeting, the Council/ County Youth Chapter may permit the member to participate in the deliberations subject to such restrictions as it may impose but such member shall not have the right to vote on the matter in question.
- (3) A disclosure of interest made under this paragraph shall be recorded in the minutes of the meeting at which it is made.

3. Minutes

The Council/ County Youth Chapters shall cause minutes of all resolutions and proceedings of meetings of the Council to be entered in books kept for that purpose.

- (5) The quorum for the conduct of the business of the Council/ County Youth Chapter shall be two thirds of the members excluding the Secretary.
- (6) The Chairperson shall preside at every meeting of the Council/ County Youth Chapter at which he is present but, in his absence, the vice-chairperson shall preside and, in his absence, the members present shall elect one of their members who shall, with respect to that meeting and the business transacted thereat, have all the powers of the Chairperson.
- (7) Unless a unanimous decision is reached, a decision on any matter before the Council/ County Youth Chapter shall be by a majority of votes of the members present and, in the case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.
- (8) Subject to sub-paragraph (5), no proceedings of the Council/ County Youth Chapter shall be invalid by reason only of a vacancy among the members thereof.
- (9) A resolution in writing or such resolutions consisting of several documents in like form, each signed by the members of the Council, shall be as valid and effectual as if it had been passed at a meeting of the Council duly convened and held.
- (10) Subject to the provisions of this Schedule, the Council/ County Youth Chapter may determine its own procedures and the procedure for any committee of the Council and for the attendance of any other persons at its meetings and may make standing orders, inter alia, in respect of—
- (a) the conduct and management of the affairs of the Council/ County Youth Chapter;
 - (b) the manner in which all payments, including cheques, promissory notes, drafts, bills of exchange and other negotiable instruments and receipts for moneys paid to the Council shall be signed, drawn, accepted, endorsed or otherwise executed; and
 - (c) the procedure for meetings and other business of the Council/ County Youth Chapter.

Dissolution of the Electoral Colleges

9. The Ward Electoral College and the Constituency Electoral Ward shall stand dissolved upon the requisite appointments being made under paragraph 7.

Revocation of Legal Notice No. 7 of 2011

10. The guidelines on the election of youth representatives to the National Youth Council, 2011 made under paragraph 5(1) (g) and (h) of the now repealed National Youth Council Act, No. 10 of 2009 and published as Legal Notice No. 7 of 2011 are hereby revoked.

SECOND SCHEDULE [Section 16]

CONDUCT OF BUSINESS AND AFFAIRS OF THE COUNCIL AND COUNTY YOUTH CHAPTERS

1 Meetings

- (1) The Council and County Youth Chapter shall meet not less than four times in every financial year and not more than four months shall elapse between the date of one meeting and the date of the next meeting.
- (2) Notwithstanding the provisions of sub-paragraph (1), the Chairperson or any three other members of the Council/ County Youth Chapters may call a special meeting at any time where it is deemed expedient for the transaction of the business of the Council/ County Youth Chapter, by giving not less than seven days' written notice to the members.
- (3) The members of the Council/ County Youth Chapter shall, at the first meeting of the Council/ County Youth Chapter, elect from amongst their number, a vice-chairperson.
- (4) Unless three-quarters of the total members of the Council/ County Youth Chapter otherwise agree, at least fourteen days' written notice of every meeting of the Council/ County Youth Chapter shall be given to every member of the Council/ County Youth Chapter.

Constituency Electoral College at such a time and place to elect five youth, two of either gender and one male or female representative of special interest groups, as a member of the County Youth Chapter.

(g) Subject to paragraph 4 (2) (a), within fourteen days of election of members of the Assembly of the Council under sub-paragraph (e), the Youth Development Office at the Constituency level shall convene a meeting of the Constituency Electoral College at such a time and place to elect eleven youth, five of either gender and one male or female representative of special interest groups, as a member of the National Youth Council.

(h) If any member of the Ward Electoral College, Constituency Electoral College or Assembly of the Council is absent at the time of convening the meeting at the Ward or Constituency level, the elections shall proceed such absence notwithstanding.

(i) The Youth Development Office at the Constituency level shall immediately after conclusion of the election, forward the names of the eleven elected persons to the Cabinet Secretary.

(2) Elections of members of the Council shall be done at the convening of the Assembly of the Council through electronic balloting system or any legitimate process identified by the Electoral College.

Appointment by the Cabinet Secretary

7 The Cabinet Secretary shall within seven days of receipt of the names forwarded under paragraph 6 (i) appoint the members under Section 6 (1) (a) and (f) of this Act.

Filling of Vacancy

8 Where a vacancy occurs in the office of the members appointed under Section 6 (1) (a) and (f) of this Act, the Chairperson of the National Youth Council, in whose absence the Cabinet Secretary shall step in, shall convene a special general meeting to fill in the vacancy from among delegates of the Assembly of the Council under paragraph 6 (g) of this Schedule, taking into account special interest groups to ensure inclusion for all and leaving no one behind despite their social, political and economic backgrounds, age, gender and location.

Role of the Ministry

5. (1) An Electoral College or Assembly of the Council shall, subject to this paragraph, determine its own procedure, and the ministry shall provide it with such facilities and such other support as it may require for the discharge of its functions.

(2) Oversee elections at the Electoral Colleges and the Assembly of the Council as and when necessary.

Nomination and Election of the Members of the Council

6. (1) (a) Subject to paragraph 1, youth focused organizations provided in paragraph 2 (1) (b) shall within seven days present the names and qualifications of two youth nominees, of either gender, in only one ward of the total number of wards in Kenya, to the Youth Development Office at the Ward level for publication in the Gazette and two daily newspapers of national circulation.

(b) The youth focused organizations provided in paragraph 2 (1) (b) must have received an accreditation letter from the Youth Development Office at the Ward they desire to nominate youth.

(c) The youth focused organizations provided in paragraph 2 (1) (b) must have received a recommendation letter from an Administration Office at the Ward they desire to nominate youth.

(d) Within seven days of receipt and publication of nominees under sub-paragraph (a), the Youth Development Office at the Ward level or a representative nominated in writing, shall convene a meeting of the nominees at such a time and place to elect two youth, of either gender, from amongst themselves, as a member of the Ward Electoral College.

(e) Within seven days of election of members of the Ward Electoral College under sub-paragraph (d), the Youth Development Office at the Constituency level or a representative nominated in writing, shall convene a meeting of the Ward Electoral Colleges at such a time and place to elect two youth, of either gender, from amongst themselves, as a member of the Constituency Electoral College under paragraph 6 (f) and as a member of the Assembly of the Council under paragraph 6 (g).

(f) Subject to paragraph 3 (2) (b), within seven days of election of members of the Constituency Electoral College under sub-paragraph (e), the Youth Development Office at the Constituency level or a representative nominated in writing, shall convene a meeting of the

Assembly of the Council

4. (1) There shall be an Assembly of the Council
- (2) The Assembly shall be an annual convening of the NYC Assembly during the International Youth Week
- (a) The Inaugural meeting will be convened by the CS in charge of Youth Affairs
- (b) The subsequent meeting will be convened by the NYC Chairperson
- (3) The Assembly of the Council shall comprise of—
 - (a) delegates as set out in paragraph 2 (1) (F);
 - (b) corporate members consisting youth focused organizations.
- (4) The Assembly of the Council shall—
 - (a) Elect eleven members to the National Youth Council, taking into account special interest groups to ensure inclusion for all and leaving no one behind despite their social, political and economic backgrounds, age, gender and location.
 - (b) Review the annual report of the activities undertaken by the Council;
 - (b) Review the annual financial statements for each financial year by the Council
 - (c) The Assembly shall review the membership structure and corporate subscription fee after every three years.
 - (d) Convene annually during International Youth Week
 - (e) The Assembly of the Council may meet in special sessions under conditions to be specified in the rules of procedure.
 - (f) Council shall establish Rules of Procedure to be adopted at a plenary session of the General Assembly.
 - (g) Subject to paragraph 9 of this Schedule, fill in vacancies of the members of the National Youth Council.
 - (h) perform any other function that may be conferred by this Act or any other written law.
- (5) The Assembly of the Council shall not be dissolved upon the requisite appointments being made under paragraph 7 of this Schedule.

- (2) A person is eligible for nomination and election as a member of the Council if the person—
- (a) meets the conditions set out in Section 7 (2) of this Act;
 - (b) meets the conditions set out in sub-paragraph (1) (b) (c) (d) (e) and (f);
 - (c) is elected by Delegates of the Assembly of the Council to represent one of the ten regions of Kenya;
 - (d) is elected by Delegates of the Assembly of the Council as 1 representative of special interest groups;
 - (3) The youth focused organizations and youth groups provided in sub-paragraph (1) (b) must have been in existence and in active operation at least two years prior to the Notice by the Cabinet Secretary.

Electoral College

- 3 (1) There shall be in each Ward an Electoral College comprising of—
- (a) nominees as set out in paragraph 2 (1) (b);
 - (b) the ward Electoral College shall elect 2 ward representatives.
 - (2) There shall be in each Constituency, an Electoral College comprising of—
 - (a) elected representatives as set out in paragraph 2 (1) (d);
 - (b) the constituency Electoral College shall elect 5 members to the County Youth Chapter, taking into account special interest groups to ensure inclusion for all and leaving no one behind despite their social, political and economic backgrounds, age, gender and location.

FIRST SCHEDULE
[Section 6]

PROCEDURE FOR ELECTION OF MEMBERS OF THE COUNCIL

Notice by the Cabinet Secretary

1. There shall be a notice by the Cabinet Secretary to—
 - (a) Gazette the nomination of delegates to the Assembly of the Council;
 - (b) Call for the election of members of the council;
 - (c) Provide a schedule for nomination and election at all levels.

Eligibility

- 2 (1) A person is eligible for nomination and election as a member of the County Youth Chapter if the person—
 - (a) meets the conditions set out in Section 7 (1) of this Act;
 - (b) is nominated by a youth focused organization with a mandate in the Ward or a youth group based in the Ward;
 - (c) is elected to represent a Ward by the ward Electoral College;
 - (d) is elected to represent a Constituency by the constituency Electoral College;
 - (e) meets the conditions set out in sub-paragraph (1) (a) (b) (c) and (d) to form the Delegate System;
 - (f) subject to sub-paragraph (1) (e), is a Delegate of the Assembly of the Council.

41.	Section 29 (1) in the bill but described here in as Section 33	Delete "Continue in office for the unexpired period of their term" Add "be considered terminated by the act"	Repealing the previous act means any serving officials appreciate there is a new composition.	<i>29. The chairperson and members who immediately before the commencement of this Act were serving at the former Council shall, upon commencement of this Act, be considered terminated by this act</i>	There cannot be parallel council, their term in office is considered untenable on the commencement of this act.

<p>36. Section 24 (2) (a) in the bill but described here in as Section 28 (2) (a)</p>	<p>Add "county youth charters" after council</p>	<p>Inclusion of County Youth Chapters</p>	<p>(a) <i>payment of remuneration in respect of the members and staff of the Council and County Youth Chapters</i></p>	<p>Resources should be availed for the County Youth Chapters as well.</p>
<p>37. Section 24 (2) in the bill but described here in as Section 28 (2)</p>	<p>Add "Section 28 (2)(e)</p>	<p>Consider expenses of the Assembly of the Council</p>	<p>(e) <i>The costs related to the annual convening of the Assembly of the Council and special general Meeting if need arises as prescribed in First Schedule</i></p>	<p>The Assembly of the Council costs should be factored for the council to be fully operational.</p>
<p>38. Section 26(1) in the bill but described here in as Section 30 (1)</p>	<p>Add "County Youth Chapters" after Council</p>	<p>County Youth Chapters will submit annual reports</p>	<p>26. (1) <i>The Council and County Youth Chapters shall, at the end of each financial year prepare its annual report.</i></p>	<p>The County Youth Chapters should show the activities and impact through the annual reports.</p>
<p>39. Section 26 (2) in the bill but described here in as Section 30 (2)</p>	<p>Add "County Youth Chapters through the council" after Council Add "Assembly of the Council before submission to" before cabinet Secretary</p>	<p>Incorporate County Youth Chapters and Assembly of the council in the annual reporting.</p>	<p>(2) <i>The Council and County Youth Chapters through the Council shall submit the annual report to the Assembly of the Council before submission to Cabinet Secretary and Parliament three months after the end of the year to which it relates.</i></p>	<p>The Assembly meets in August 2 months after end of financial year in June. The Report should be tabled before its shared with the Cabinet Secretary and Parliament</p>
<p>40. Section 26 (3) in the bill but described here in as Section 30 (3) (b)</p>	<p>Add "County Youth Chapters" after Council</p>	<p>The County Youth Chapters have the same accountability mechanisms just like the council</p>	<p>(3) <i>The annual report shall contain in respect of the year to which it relates-</i></p> <p>(b) <i>description of the activities of the Council and County Youth Chapters;</i></p>	<p>The County Youth Chapters should account for funding received, partnerships, and activities implemented through the annual reports and as per the functions.</p>

			<p><i>knowledge and skills as stipulated in section 13 (3).</i></p> <p><i>(6) Corporate Members shall be ex-officio members of the General Assembly without voting rights and shall not be eligible to be elected as Council Members; however, they may, in writing, relinquish their corporate membership at any given time.</i></p>	
33.	Part 3 Section 23 in the bill but described here in as Section 27	Add Section 26 (d)	<p>Corporate Membership will contribute to the Financial Provisions</p> <p><i>(d) monies appropriated from the corporate membership for purposes of the Council;</i></p>	Corporate members will contribute to the Funds of the Council
34.	Part 3 Section 23 in the bill but described here in as Section 27	Add "Paid to" after donated Add "and the Assembly of the council" after National Assembly	<p>Incorporate Funds paid by corporate members. The council should disclose the same to the Assembly of the council.</p> <p><i>(2) Any funds donated, paid to or lent to, or gift made to the Council shall be disclosed to the National Assembly and Assembly of the council and made public before use.</i></p>	Funds contributed by the Corporate members should be disclosed. Just like all the funds are disclosed to the national assembly same to the Assembly of the council.
35.	Section 24 (2) In the bill but described here in as Section 28 (2)	Add "County Youth Chapters and Assembly of the Council" after Council	<p>Estimates should consider County Youth Chapters.</p> <p><i>(2) The annual estimates shall make provision for all the estimated expenditure of the Council, County Youth Chapters and Assembly of the Council for the financial year concerned and, in particular, shall provide for-</i></p>	County Youth Chapters and Assembly of the Council should be factored while developing annual estimates

31. Section 25	Introduce "Section 25 in Part 2 of the bill"	Powers of the County Youth Chapter	<p><i>The County Youth Chapter shall have the same powers as the council as described in Section 12 (2) but limited to (b) and (c) Powers.</i></p>	<p>The county Youth Chapter shall only be limited to certain powers to avoid legal issues arising because they are not corporate bodies.</p>
32. Section 26	Introduce "Section 26 in Part 2 of the bill"	Corporate Membership	<p><i>Corporate Members Shall Consists of Youth Focused Organizations</i></p> <p>(1) They shall be admitted to the Assembly of the Council.</p> <p>(2) They shall nominate one person per organization to sit at the Assembly of the Council. These persons must have expertise in youth affairs and shall hold such qualifications as being capable of being a member of the Council as envisaged in Section 7 (2) of the Bill.</p> <p>(3) At any given time, there shall be Corporate Members appointed and who shall be exempted from Assembly attendance rules.</p> <p>(4) Corporate Members appointed shall serve in the capacity for a period of 5 years.</p> <p>(5) Persons admitted as corporate members shall be persons expected to offer expertise,</p>	<p>To bolster the representative goal of the Council, membership of the Assembly should be as diverse as possible. This means that in addition to constituency delegates forming part of the Assembly of the Council, provisions should be made for corporate entities such as Youth Serving Organization to be accredited as corporate members for a designate period.</p>

<p>29. Section 23</p>	<p>Introduce "Section 23 in Part 2 of the bill "</p>	<p>Establishment of County Youth Chapter</p>	<p>(1) There shall be established a County Youth Chapter.</p> <p>(2) The Chapter shall consist of-</p> <p>(a) Four youths; two females and two males</p> <p>(b) one person representing special interest groups</p> <p>(c) A representative appointed by the Governor</p> <p>(d) A representative appointed by the Ministry in charge of Youth Affairs.</p> <p>(3) The members under paragraph (2) (a) and (b) shall be elected by the delegates at the Constituency level in the manner prescribed in the First Schedule.</p> <p>(4) The Member under paragraph 23 (2) shall hold such qualifications as being capable to be a member of the Chapter under the First Schedule.</p>	<p>Mainstreaming of youth work both at the National and County Government.</p>
<p>30. Section 24</p>	<p>Introduce "Section 24 in Part 2 of the bill "</p>	<p>Functions of the County Youth Chapter</p>	<p>The County Youth Chapter shall conduct the same functions in partnership with the council as prescribed by this bill only within county specific/ Jurisdiction.</p>	<p>The Chapter will contextualize the council functions into their respective counties.</p>

25. Section 15	Add "County Youth Chapters" after the Staff of the Council	Incorporate County Youth Chapters in the allowances	<i>The chairperson, members and the staff of the Council and County Youth Chapters shall be paid such remuneration or allowances as the Cabinet Secretary may, on the advice of the Salaries and Remuneration Commission, determine.</i>	The County Youth Chapters will enhance the work of the council therefore should be remunerated.
26. Section 18 (2) (c)	Add "and by extension the Assembly of the Council" after "Council"	Assembly of the council must be privy to the annual report.	<i>(c) prepare and submit to the Council and by extension the Assembly of the Council, an annual report on the activities undertaken by the Council;</i>	The council that oversees the operations of the secretariat is also accountable to the assembly of the Council
27. Section 18 (2) (h)	Add "and by extension the Assembly of the Council" after "Cabinet Secretary"	Major decisions will be made at the Assembly of the council.	<i>(h) bring any matter to the attention of the Cabinet Secretary and by extension the Assembly of the Council, through the Council, if, in their opinion, a decision or policy or proposed decision or policy may result in resources being used in a way that is contrary to subsection (1);</i>	The Assembly oversees any major changes in the operation of the council.
28. Sections 18 (2) (1)	Add "the Assembly of the Council" after 'submit them to the'	Assembly of the council must be privy to Financial Statements	<i>prepare annual financial statements for each financial year within three months after the end of the financial year, and submit them to Controller of Budget and the Auditor-General for audit, and forward a copy to the National Treasury which will be presented at the Assembly of the council.</i>	To enhance accountability which is one of the function of the Assembly of the council, financial statements must be submitted before AGM.

		affirmative action Funds	with implementation framework	<i>represented and participate in political, social, economic and other spheres of life;</i>	
20.	2009 Act Section 4	Add Function Section 4 (p)	Creating a safe space for youth operations	<i>Mapping youth initiatives, data collection, monitoring and evaluating the safety of spaces fronted for engagement of the youth and youth focused organizations.</i>	The Council should ensure a favorable the youth space environment
21.	2009 Act Section 4	Add Function Section 4 (q)	Professionalization of Youth Work	<i>The NYC will realize the youth work profession and collaborate with the Ministry in charge of youth affairs and other relevant stakeholders to establish relevant policies, procedures and mechanisms to accredit youth workers.</i>	Youth engagement is not viewed as a professional engagement and therefore needs to be coordinated by the council
22.	Section 11 (4)	Delete "Cabinet Secretary" Add "Assembly of the Council"	The Council reports to the highest organ, the Assembly of the council	<i>(2) The Council shall be responsible to the Assembly of the Council in the performance of its functions under this Act.</i>	The council is accountable to the Assembly of the council
23.	Section 11 (5)	Delete in its entirety	Guidelines are issued by regulating bodies		Youth focused organizations are regulated by NGO Coordination board & department of social services.
24.	Section 13 (2)	Delete "Youth" Add "Youth focused Organization as provided under section 26 (below)"	Introduction of Corporate Membership	<i>The Council may co-opt into the membership, any Youth Focused Organization whose knowledge, expertise and skills it considers necessary for the effective discharge of the functions of the Council.</i>	These are some of the advantages that youth focused organization draw from being a member of the assembly of the council and will provide the expertise and skills from which the council can co-opt members to its committees.

		NGO Coordination Board and Department of Social Services	<i>organizations, civil society movements and other organizations;</i>	
17. 2009 Act Section 4 (m)	Delete "promote the inclusion of" Add "Coordinate" Delete "In the formulation of policy" Add "Into national policy processes including professionalization of Youth work and education, youth Mainstreaming, youth data and evidence based policy making, youth volunteerism and other relevant national development policy processes"	Explicitly define youth agenda	<i>Coordinate the youth agenda into national policy processes including professionalization of Youth work and education, youth Mainstreaming, youth data and evidence based policy making, youth volunteerism and other relevant national development policy processes by public institutions and organisations;</i>	To avoid misinterpretation and vagueness, youth agenda must be defined.
18. 2009 Act Section 4 (n)	Delete "Promote the inclusion of" and Add "Nominate"	Explicitly indicate inclusion of youth	<i>Nominate youth in decision-making bodies, boards, agencies and other public institutions and organisations;</i>	The Function has to be actionable and also to promote inclusion of young people.
19. 2009 Act Section 4 (o)	Reword to capture other national	There are other affirmative actions and need to come up	<i>Develop an implementation framework for affirmative action programs to ensure the youth have opportunities to associate, be</i>	Have actionable functions, promoting and popularizing not sufficient to evaluate.

12.	Section 9 (2)	Delete "Section 6 (1) (a)" and Add "Section 6 (1) (f)"	The chairperson can only be appointed from the 11 elected youth	<i>Where a vacancy occurs in the office of the Chairperson, the President shall fill the vacancy in accordance with Section 6 (1) (f).</i>	The president appoints another chairperson from the pool of the elected youth representing regions and special interest groups.
13.	Section 9 (3)	Delete "cabinet secretary shall fill the Vacancy" Add "The chairperson shall convene the assembly of the council"	The members of the council must be elected.	<i>(3) Where a vacancy occurs in the office of the members appointed under paragraph 6(1) (f), the chairperson shall convene the assembly of the council in the manner prescribed in the First Schedule.</i>	The Assembly of the council has the powers to elect another member of the council.
14.	Section 10	Add "Upon recommendation by the tribunal committee of the Assembly of the council" before remove the chairperson	Recognize these are elected leaders and therefore the tribunal selected from the assembly of the council shall give recommendation	<i>10. The President or the Cabinet Secretary may subject to Article 47 of the Constitution and the Fair Administrative Action Act and Upon recommendation by the tribunal committee of the Assembly of the council, remove the chairperson or member from office, on the ground of the violation of any provision of this Act or any other written law.</i>	To sustain the autonomy and independence of the council, the assembly being the highest organ must have a say through the tribunal committee that shall investigate, summon and give recommendation
15.	Section 11	Delete all the Functions in the bill and Add Functions of 2009 Act	The functions do not capture the spirit of a youth representative body.	<i>Incorporate the functions of 2009 Act with a few edits as below</i>	The functions of the 2019 amendment bill are watered down
16.	As per the 2009 Act Section 4(a)	Delete "Regulate"	Youth groups and CSO, YSOs are already regulated by other bodies such as	<i>Co-ordinate activities and initiatives relating to the youth being undertaken by youth groups, youth focused community based organizations, non-governmental</i>	

5.	Section 6 (1) (f)	Delete "Ten" Add "Eleven Youth elected at the assembly of the council"	Accommodating the 10 regions of Kenya and special Interest groups	<i>Eleven youth appointed by the Cabinet Secretary; and</i>	All the 11 member of the council are elected from the Assembly of the Council to represent 10 regions and special Interest groups.
7.	Section 6 (4)	Delete subsection (4)	Elected members will be appointed at the same time.		There will be no staggered appointments
8.	Section 7 (1)	Add members of the council after Chairperson	The 11 youth elected at the assembly of the council all stand a chance to be appointed by the president to be the chair.	<i>A person is qualified for appointment as the chairperson and a member of the council, if the person-</i>	The 11 elected youth are all eligible for appointment by the president and therefore the qualifications should be the same.
9.	Section 7 (1) (b)	Remove "post qualification" and Add "Working"	To accommodate the different modules of learning.	<i>as at least five years working experience;</i>	Appreciating the experience that young people attain before graduation or Work study modes of learning
10.	Section 7 (2)	Remove "under paragraph 6(1) (f) of this Act" and Add County Youth Chapter	Introduction of County Youth Chapters	<i>A person is qualified for appointment as a member of the County youth chapter if the person-</i>	The members have the same qualification because they are all eligible to be chapter chair.
11.	Section 7(2) (b)	Remove "post qualification" and Add "Working"	To accommodate the different modules of learning.	<i>(a) has at least five years working experience;</i>	Appreciating the experience that young people attain before graduation or Work study modes of learning

	PROPOSAL	EMERGING ISSUES	PROPOSAL	RATIONALE
1. Preliminary	1. Introduce "Assembly of the council"	- Election Model to get the members of the council	- Define the "Assembly of the council" as The supreme body that will consist of delegates elected at the Constituency level and Corporate members who are youth focused organizations.	The Assembly of the council will be responsible for electing members of the council and act an accountability mechanisms of the National Youth Council
2. Preliminary Section 2	2. Add "Youth Serving Organization"	- Definition doesn't exhaust all youth engaged organizations	- "youth focused organization" means any non-State actors including youth groups, youth serving organizations, community based organizations, non-governmental organizations, civil society movements engaging in activities related to the youth.	Recognizes that there are entities that serve the young people despite being led by people out of the youth bracket.
3.	3. Introduce "County Youth Chapter"	- In the spirit of devolution, the council should be devolved	- Define the "County Youth Chapter as the representative council at the county level that acts as liaison to the National Youth Council"	Mainstreaming youth work both in the county government and National Government.
4. Section 3 (c)	Add 'meaningful' before engagement	- Engagement of Youth exists but it does not show results	- provide a platform and safe spaces for regular and sustained interaction and engagement with the youth and youth focused organizations.	We envisage youths being engaged not just to rubber stamp or meet the mere threshold of having been engaged.
5. Section 6 (1) a	a non-executive chairperson, who shall be a youth and nominated from the 11 elected council members as set out in Sections 6 (1) (f)	The chairperson will be elected either from the 10 regions or special interest groups.	The president then appoints a chair from the 11 members of the council	Having a chairperson who has not gone through the elective process will be challenging to the members of the council.

Rationale

The National Youth Council's mandate in fulfilling the above was structurally watered down by the amended bill of 2019 which shrinks further the democratic space of young people. Therefore, the YSO Consortium consisting of 50 national and grassroots organizations reviewed the provisions of the National Youth Council Bill 2019 and harmonized it into a memorandum with the following key provisions informing the 5-point agenda;

1. Professionalization of Youth Work.
2. Youth mainstreaming.
3. Structure and functions.
4. Corporate membership and resource mobilization.
5. Capacity building

That the undersigned being Youth Serving Organizations variously registered in accordance with the Laws in the Republic of Kenya and implementing objectives, initiatives, programs and activities in furtherance of the Welfare and interests of the Youth in the Republic.

And as such there being a direct and legitimate interest in the provisions of The National Youth Council Bill 2019, the composition of the council, its management and effective functioning.

The undersigned having reviewed the provisions of The National Youth Council Bill 2019 and have proposed the following amendments:

That this Memoranda is submitted to the **National Assembly of the Republic of Kenya** through the **Hon. Gideon Keter**, Nominated Member of Parliament pursuant to:

Article 37 of The Constitution of Kenya: Providing for the Right of every Kenyan to present petitions to public authorities in General.

Article 55(b) of the Constitution mandates the state to take measures for the youth have opportunities to be represented and participate in political, social, economic spaces. Further on, in preparation for Africa's youth bulge and succession planning, cognizant of best practices of the Commonwealth Youth Council, East Africa Youth Commission and Africa Youth Commission,

Article 55(b) necessitates an urgent move to harness the youth demographic dividend for economic prosperity of the nation.

Article 118 (1) (b) of The Constitution of Kenya: Requiring Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its committees.

Article 119 (1) Providing for every person's right to petition Parliament to consider any matter within its authority, including to enact, amend or repeal any legislation.

That the Memoranda is on the matter of The National Youth Council Bill 2019, being a Bill for AN ACT of Parliament to establish the National Youth Council, to provide for its functions, organization and administration and for connected purposes.

YSO CONSORTIUM MEMORANDUM ON
NATIONAL YOUTH COUNCIL
AMENDMENT BILL 2019

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