
**THE SIAYA COUNTY WIDOWS PROTECTION BILL,
2024**

A Bill for

AN ACT of the County Assembly of Siaya to establish the Siaya County Widows Welfare Committees for the protection of Widows; to establish the Siaya County Widows Welfare Fund and for connected purposes.

ENACTED by the County Assembly as follows—

PART I— PRELIMINARY

Short title.

1. This Act may be cited as the Siaya County Widows Protection Act, 2024, and shall come into operation upon gazettelement.

Interpretation.

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

“Committee” means the Siaya County Widows Welfare Committee established under section 4;

“Ward Committee” means the Ward Widows Welfare Committee established under Section 9

“county government” means the County Government of Siaya;

“county executive committee member” means a county executive committee member responsible for matters related to gender;

“social protection” means a set of policies, programmes, interventions and legislative measures aimed at cushioning individuals against poverty, vulnerability, exclusion, risks, contingencies and shocks;

“widows welfare plan” means a programme or a scheme designed to provide financial, social and emotional support to widows;

The Siaya County Widows Protection Bill, 2024

“director” means the Director of the Directorate of Widows Affairs appointed under section 8;

“directorate” means the Directorate of Widows Affairs;

“Fund” means the Siaya County Widows’ Welfare Fund established under section 16 of this Act;

“SHIF” means the Social Health Insurance Fund (Taifa Care);

“civil society” means the collective space where individuals and groups outside the government and the business come together to advocate for a shared interest;

“scarification” means scratching, etching, burning, branding or cutting designs, pictures, or words into the skin as a permanent body modification or body art;

“widow” means a married woman whose husband has died and has not remarried.

Objects and purpose of the Bill.

3. The object and purpose of the Act is to—

- (a) establish Committees to protect and promote the rights and privileges of widows;
- (b) establish a Fund to promote the economic and social empowerment of widows;
- (c) to create awareness and social mobilization on the rights and freedoms of widows;
- (d) to develop programmes to promote the welfare of widows;
- (e) protect widows from participating in harmful cultural practices in the

context of funeral rites and social ceremonies through—

- (i) ritual cleansing;
- (ii) scarification;
- (iii) drinking concoctions;
- (iv) inhuman treatment or punishment to neutralize the assumed cultural impurity;
- (v) humiliating customary practices to avoid taboo violation;
- (vi) assuming the state of contamination or "uncleanness";
- (vii) using derogatory and or demeaning names;
- (viii) forced wailing and crying loudly;
- (ix) accusations of killing husband;
- (x) taboo Practices such as not to shake hands with any person;
- (xi) restricting development and advancement of widows;
- (xii) forced wife inheritance;
- (xiii) forced shaving of body hair;
- (xiv) forced remarriage;
- (xv) forced sex; and
- (xvi) isolation.

Guiding Principles

- 4.** The guiding principles under this Act are;
- (a) Equity;
 - (b) social justice;
 - (c) inclusiveness;
 - (d) integrity;
 - (e) gender responsive social protection; and,
 - (f) universal social protection.

**PART II— ESTABLISHMENT OF
THE SIAYA COUNTY WIDOWS
WELFARE COMMITTEE**

Establishment
of the Siaya
County
Widows'
Welfare
Committee.

5.(1) There is established the Siaya County Widows Welfare Committee.

(2) The Committee shall consist of –

(a) A non-executive chairperson elected by Committee members from amongst the members in 5 (2) (d) in the Committee's first sitting and forwarded to the County Executive Committee Member for official appointment;

(b) the Chief Officer responsible for matters related to gender or his/her nominee;

(c) the County Director responsible for widow affairs who shall be secretary to the Committee;

(d) six widows nominated by a joint forum of organisations for widows in the County, and appointed by the County Executive Committee Member; and

(e) a Fund Administrator appointed under section 17.

(3) a person shall be qualified for appointment under 5(2)(d) if the person;

(a) is a Kenyan citizen;

(b) is a resident of Siaya County; and,

(c) possesses at least O – Level education or its equivalent

The Siaya County Widows Protection Bill, 2024

Functions of
the Committee.

6.(1) The Committee shall perform the following functions—

- (a) maintain a county widows register in the prescribed manner;
- (b) collect, verify and maintain a database of the widows who may need assistance;
- (c) mobilize resources to support activities under this Act;
- (d) create awareness on widows' rights;
- (e) promote sensitization programmes on widows' rights;
- (f) develop guidelines for implementation, monitoring and evaluation of widows programmes;
- (g) continuously review and advise the County Executive Committee Member on the status and progress of widows programmes, interventions and make recommendations on areas of priority; and,
- (h) perform any other functions as may be assigned by the County Executive Committee Member from time to time.

PART III— THE COUNTY DIRECTORATE OF WIDOWS AFFAIRS

Establishment
of the
Directorate.

7.(1) There is established within the county public service, the Directorate of Widows Affairs.

(2) The Directorate shall perform the following functions—

- (a) assess and review all County policies relating to widows and make appropriate

The Siaya County Widows Protection Bill, 2024

recommendations to the Committee;

- (b) prepare and subject to the Committee's approval the widows welfare plan;
- (c) in collaboration with other government agencies, development partners and other stakeholders, coordinate and monitor the implementation of the county widows welfare plan;
- (d) implement the decisions of the Committee; and,
- (e) advise the County government and other stakeholders on all matters relating to the welfare of the widows.

(3) The Director and officers of the Directorate shall be seconded from the existing public officers in the County Public Service across all levels.

Director of Directorate of Widows Affairs.

8. (1) The Directorate of Widows Affairs shall be administered by a Director.

(2) The Director shall be responsible for the—

- (a) day to day running and operations of the directorate;
- (b) administration, organization and control of staff of the directorate;
- (c) implementation of policies and programs of the Directorate and reporting thereon to the Committee;

- (d) development of Operational Plans for achieving the objectives of the directorate;
- (e) prepare and submit quarterly reports to the Committee on the implementation status of the activities under this Act; and
- (f) perform any other function necessary for the implementation of this Act.

PART IV- WARD WIDOWS' WELFARE COMMITTEES

Ward Widows' Welfare Committees

9. (1) There is established in each ward within Siaya County, a committee to be known as the Ward Widows Welfare Committee.

Composition of the Ward Committee.

10.(1) Taking cognizance of the two-third gender rule, the Ward Committee shall comprise of —

- (a) A widow nominated by a joint forum of widows organisations at the ward level, who shall be the chairperson;
- (b) One Chief;
- (c) the Ward Administrator who shall be the Secretary;
- (d) A representative of the Youth, nominated by a joint forum of youth organisations at the ward level;
- (e) A representative of the PWDs, nominated by a joint forum of

- organisations of PWDS operating at the ward level;
- (f) A representative of Faith Based Organizations nominated by a joint forum of Faith Based Organizations operating within the Ward;
- (g) A gender and social development officer representing the Directorate at the Ward level; and
- (h) a representative of the civil society nominated by a joint forum of civil society organisations operating at the ward level.

(2) a person shall not be legible for appointment under Section 10(1)(a), (c), (d), (e), (f), (g), and (h) unless the person;

- (a) is a Kenyan citizen;
- (b) is a resident of the Ward; and,
- (c) possesses at least O – Level education or its equivalent

Functions of the Ward Committee.

11.The Ward Committee shall perform the following functions—

- (a) liaise with the local administration in the collections of data on the number of widows at the ward level;
- (b) report incidences of violation of rights of widows to the relevant authorities;
- (c) create awareness on widows' rights;
- (d) promote sensitization programmes on widows' rights;
- (e) implement widows policies and plans within the Ward level;

- (f) submit monthly reports in the prescribed format to the Directorate on the implementation status of this Act at the Ward level;
- (g) maintain a database of widows within the Ward in the prescribed format; and,
- (h) perform any other functions as may be assigned by the County Executive Committee Member from time to time.

Remuneration. **12.** The County Committee and Ward Committee Members shall be paid such allowances as prescribed by the Salaries and Remuneration Commission.

Conduct of Meetings. **13.** The conduct of business and affairs of the Committee shall be as prescribed in the schedule.

PART V— COUNTY WIDOWS WELFARE PLAN

The Widows Welfare Plan. **14.** (1) There shall be prepared a Widows Welfare Plan for the County to be called the Siaya County Widows Welfare Plan.

(2) The widows welfare plan shall be prepared by the directorate having regard to the national government policy and shall be approved by the county assembly.

(3) The plan shall include—

(a) measures to be taken for the organization, coordination and promotion of widows' welfare activities in the county;

(b) measures to be taken for the management, protection and

preservation of the rights of widows under this Act;

(c) measures to be taken for the integration of widows in the development of widows' development plans; and

(d) measures to be taken to ensure collaborative efforts between the county government and the National Government on one hand and other development partners on the other hand to promote the welfare of widows.

(4) The plan shall be reviewed and updated annually.

(4) The county government shall make appropriate provisions for financing the activities in the plan.

Role of the county government.

15. (1) The county government shall—

(a) train its officers and employees on matters of widows welfare; and

(b) ensure that resources are available to implement the provisions of this Act.

PART VI— ESTABLISHMENT AND ADMINISTRATION OF SIAYA COUNTY WIDOWS WELFARE FUND

Siaya County Widows' Welfare Fund

16. (1) There is established a Fund to be known as the Siaya County Widows Welfare Fund.

(2) The Fund shall be used for the benefit of widows in the County.

The Siaya County Widows Protection Bill, 2024

Sources of Funds.

17.(1) The Fund shall consist of -

- (a) monies appropriated by the County Assembly;
- (b) sums received as contributions, donations, gifts or grants from any lawful source;
- (c) monies earned or arising from any investment of the Fund; and,
- (d) any money that may be payable or vested in the Fund.

(2) All the departments of the County Government responsible for matters related to widows shall mainstream activities in furtherance of the rights of widows.

(3) The Fund under this section shall be managed in accordance with the Public Finance Management Act 2012 (as amended from time to time), as Read together with Public Finance Management (County Government) Regulations 2015.

(4) The Fund shall be used for the better implementation of this Act.

(5) Without limiting the generality of paragraph 3 above, the Fund shall be used for: -

- (a) facilitating the procurement of assistive devices and services for Widows with disabilities;
- (b) supporting training and education of widows in Vocational and Technical Training Centers;
- (c) facilitating creation of awareness and sensitization among communities on widows rights;
- (d) implementing National Government and County Government policies and

The Siaya County Widows Protection Bill, 2024

programs designed to protect the rights of widows;

(e) facilitating the establishment of a database of widows in Siaya County in conjunction with other relevant bodies;

(f) meeting any expenditure related to the administration of the Fund as may be approved by the Fund Administrator.

Provided that not more than three per cent of the total monies consisting of the Fund shall be utilized for administration of the Fund.

Administrator
of the Fund.

18. The Fund shall be administered by a Fund Administrator appointed by the County Executive Committee Member for Finance pursuant to section 116 of the Public Finance Management Act, 2012.

Functions of
the
Administrator.

19.(1) The Fund administrator shall—

- (a) be responsible for the day-to-day running of the Fund;
- (b) prepare accounts for the Fund for each financial year;
- (c) submit Quarterly and Annual financial statements relating to the Fund account to the Auditor General and copies to the County Treasury and the County Internal Auditor, not later than fifteen days and not later than one month after the end of each Quarter and financial year respectively, which shall include—

- (i) the date and amount of each payment from the Fund;
 - (ii) the person to whom payment was made;
 - (iii) the purpose to which the payment was made; and
 - (iv) whether the person to whom the payment was made has spent the money for that purpose and the statement made to that effect.
- (d) manage, control and administer the assets to the Fund in such manner and for the purposes as to promote the purpose for which the Fund is established;
- (e) maintain proper records of the Committee's affairs and books of accounts; and

(2) The County Executive Committee Member for finance shall in consultation with the County Executive Committee Member make Regulations to operationalize the Fund.

PART VII— FINANCIAL PROVISIONS

Estimates.

20. (1) Before the commencement of each financial year, the Committee shall prepare financial estimates for that year.

(2) The annual estimates shall make provisions for all the estimated expenditure of the Committee for the financial year concerned and, in particular shall provide for the—

- (a) funding of training, creating awareness and/or civic education, research and

The Siaya County Widows Protection Bill, 2024

development of activities of the Committee;

(b) funding of education and capacity building on widows affairs;

(c) funding the administration of the Committees from time to time; and,

(d) such other matters as the Committee may consider fit.

(3) The annual estimates shall be approved by the County Assembly.

(4) Expenditure of the Committee shall not be incurred except in accordance with the annual estimates approved under sub-section (3).

Maintenance of Books.

21. (1) The Fund Administrator shall cause to be kept proper books and records of account of the income, expenditure, assets and liabilities.

(2) Within a period of one months after the end of each financial year, the Committee shall submit to the County Internal Auditor the accounts of the Committee in respect of that year together with—

(a) a statement of the income and expenditure of the Committee during that year;

(b) a statement of the assets and liabilities of the Committee on the last day of that financial year; and

(3) The annual accounts of the Fund must be prepared, audited and reported upon in accordance with the provisions of Article 226 and 229 of the Constitution of Kenya and the law relating to public audit.

Financial Year.

22. The financial year of the Committee shall be the period of the twelve

The Siaya County Widows Protection Bill, 2024

months ending on the thirtieth June in each year.

Offences.

23. A person who—

- (a) obstructs any officer or employee of the county government in the discharge of their functions under this Act;
- (b) refuses to comply with any direction given by or on behalf of the county government in exercise of the functions under this Act;
- (c) knowingly makes a false claim for obtaining any assistance or any other benefits under this Act;
- (d) fails to discharge the duties as accorded by this Act; or
- (e) interferes or destroys any equipment meant to achieve the objectives of this Act commits an offence and is liable upon conviction to a fine not exceeding two hundred thousand shillings or to a term of imprisonment not exceeding one year, or both.

Miscellaneous provisions.

24. Despite the provisions of this Act or any other written law or custom, a widow—

- (i) shall not be evicted or thrown out of the house of the in-laws or parents, as the case may be, where such a widow was residing at the time of death of her husband;
- (ii) shall be entitled to inherit the property of her late husband.

Regulations.

PART VIII— PROVISIONS ON DELEGATED POWERS

25. (1) The County Executive Committee Member shall, on recommendation of the Committee, make regulations generally for the better carrying out of the provisions of this Act.

(2) without prejudice to the generality of Sub Section 1, the regulations may prescribe —

- (a) data and information on widows to be collected at the Ward level;
- (b) the standards and procedures for conducting Ward Committee meetings;
- (c) procedure for appointment of the persons appointed under Section 5 (2)(d);
- (d) the forms and application of facilities under this Act; and,
- (e) procedure for reporting violation of widows rights.

**SCHEDULE
PROVISIONS ON CONDUCT
OF AFFAIRS AND
BUSINESS OF THE
COMMITTEE**

The Siaya County Widows Protection Bill, 2024

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| Tenure
office. | of | 1. The members of the Committee appointed under Section 5 (2)(d) shall, subject to the provisions of this Schedule, hold office for a period of three years, on such terms and conditions as may be specified in the instrument of appointment, but shall be eligible for reappointment for one further term. |
| Vacation
office. | of | 2. A member appointed under Section 5(2)(d) may—
<ul style="list-style-type: none">(a) at any time resign from the office by a notice to the County Executive Committee Member;(b) be removed from office by the County Executive Committee Member if the member—<ul style="list-style-type: none">(i) has been absent for three consecutive meetings of the committee without its permission;(ii) if found to have contravened the provisions of Chapter Six of the Constitution;(iii) is convicted of a criminal offence;(iv) is incapacitated by prolonged physical or mental illness for a period exceeding six months; or(v) is otherwise unable or unfit to discharge the functions of the office. |
| Meetings. | | 3. (1) The Committee shall meet Quarterly in every financial year provided that not more than four months shall elapse between the date of one meeting and the date of the next meeting. |

(2) Despite the provisions of sub-paragraph (1), the Chairperson may, and upon requisition in writing by at least five members shall, convene a special meeting of the committee at any time for the transaction of the business of the Committee.

(3) Unless three quarters of the total members of the Committee otherwise agree, at least fourteen days' written notice of every meeting of the Committee shall be given to every member of the Committee.

(4) The quorum of the conduct of the business of the Committee shall be five members including the Chairperson or the person presiding.

(5) The members of the Committee shall, during their first meeting after appointment elect the chairperson and who shall preside over the meeting and whenever the Chairperson is absent.

(6) Unless a unanimous decision is reached, a decision on any matter before the Committee shall be by simple majority of the votes of the members present and voting, and in case of an equality of votes, the Chairperson or the person presiding shall have a casting vote.

(7) Subject to sub-paragraph (6), no proceedings of the Committee shall be invalid by reason only of a vacancy of any member.

(8) Subject to the provisions of this Schedule, the Committee may determine its own procedure of meetings.

Disclosure of
Interest.

4. (1) A member who has any interest in any contract, or any other matter present at a meeting shall at the

meeting and as soon as reasonably practicable after the commencement, disclose the fact thereof and shall not take part in the consideration or discussion of, or vote on, any questions with respect to the contract or other matters, or be counted in the quorum of the meeting during consideration of the matter.

(2) A disclosure of interest made under sub-paragraph (1) shall be recorded in the minutes of the meetings at which it is made.

(3) A member of the Committee who contravenes sub paragraph (1) commits an offence and is liable upon conviction to a fine not exceeding two hundred thousand shillings.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of this Bill is to establish the Siaya County Welfare Committee for the protection of Widows; to establish the Siaya County Widows Welfare Fund and connected purposes.

PART 1 provides for short title interpretation, objects and purpose of the Bill, an application.

PART II establishes the Siaya County Widows Welfare Committee and provides for its functions.

PART III establishes the County Directorate of Widows Affairs and provides for its functions.

The Siaya County Widows Protection Bill, 2024

PART IV establishes the Ward Widows Welfare Committees and provides for their structure and functions.

PART V provides for the county widows welfare plan.

PART VI provides for the establishment and administration of Siaya County Widows' Welfare Fund.

PART VII prescribes the financial provisions for example estimates maintenance of books, financial year, offences, and miscellaneous provisions.

PART VII makes provision for delegated powers.

The enactment of this Bill shall promote the rights, privileges, general welfare and development of widows within Siaya County.

DATED at SIAYA on this.....day
of.....2024.