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THE MAKUENI COUNTY IMPLEMENTATION OF SOCIO-ECONOMIC RIGHTS ACT, 2020

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**THE MAKUENI COUNTY IMPLEMENTATION OF
ECONOMIC AND SOCIAL RIGHTS ACT, 2020**

AN ACT of the County Assembly of Makueni to establish a framework for the facilitation, monitoring, evaluation and enforcement of the socio-economic rights in the county; to establish an administrative framework for the implementation of policies, strategies and programmes for the realisation of the socio-economic rights accruing to the residents of the county; to promote adherence by the county government to Article 43 of the Constitution; and for connected purposes

ENACTED by the County Assembly of Makueni, as follows—

PART I—PRELIMINARY

Short title

1. (1) This Act may be cited as the Makueni County implementation of Socio-Economic Rights Act, 2020.

Interpretation

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

“access” in relation to economic and social rights means the physical, economic and social access by a person or households to goods and services through production, purchase or through programmes implemented by the National and county governments to ensure that the economic and social rights of every person, including persons in need, is actualised;

“child” has the meaning assigned to it under Article 260 of the Constitution;

No. 14 of 2011.

“Commission” means the Kenya National Commission on Human Rights established under section 3 of the Kenya National Commission on Human Rights Act;

“County” means Makueni County;

“County Executive Committee Member” means the county executive committee member responsible for matters related to planning within the county;

“county health services” means—

- (a) health care services, including reproductive health care, emergency medical treatment mental health services contemplated under Article 43 of the Constitution;

- (b) county health facilities including pharmacies and ambulance services;
- (c) basic nutrition and basic health care services No. 21 of 2017. contemplated under the Health Act and the Constitution;
- (d) medical treatment contemplated under the existing policies by the National government on health, the Health Act and this Act;
- “county strategic plan” means the county strategic plan for the realisation of economic and social rights prepared by the county government pursuant to this Act;
- “early childhood education” means the educational programmes imparted to a child in an education centre;
- “sanitation” means a system established for the collection, transportation, disposal or reuse of human waste and associated hygiene;
- “social assistance” means provision or grant of social services, social benefits, emergency social assistance and other assistance the purpose of which is to support the ability of a person to cope independently, work and participate actively in social life, at the same time preventing social problems from arising or deepening at individual, family or social level and, without limiting the generality of the foregoing, includes –
- (a) rehabilitation services;
 - (b) counselling services;
 - (c) adoption services;
 - (d) day care services;
 - (e) community development services;
 - (f) consulting, research and evaluation services with respect to social programmes;
 - (g) provision of income assistance or indigent relief; and
 - (h) Administrative, secretarial and clerical services, including staff training, relating to the provision of any of the foregoing services.;
- “subsidy programme” refers to the programme established by a county government for the benefit of persons in need of

access to goods and services for the realisation of their economic and social rights under the Constitution; and

“vulnerable persons” include infants, children, school going children, pregnant and nursing mothers, the elderly, internally displaced persons, persons with disabilities, sick persons with chronic diseases, victims of conflict, rural people in precarious livelihood situations,

marginalised populations in urban areas, groups at risk of social marginalisation and discrimination and any other group that may be identified from time to time.

Object and purpose

3. The object and purpose of this Act are to provide a framework —

- (a) articulating the specific socio-economic rights that accrue to the residents of the county and the corresponding obligations required to be met for the realisation of such rights;
- (b) outlining the obligations of the duty bearers within the county government for the implementation of the socio-economic rights specified under Article 43 of the Constitution;
- (c) for the preservation of human dignity as set out under Article 19 of the Constitution through the realisation of the economic and social rights under Article 43(1) of the Constitution;
- (d) for the coordinated implementation of policies and standards formulated by the National government and formulated by the county government pursuant to this Act for the realisation of economic and social rights that accrue to residents in the county;
- (e) for the establishment of mechanisms to monitor and promote the realisation of the economic and social rights by the county government; and
- (f) for the collaboration by the county government with the National Government on the fulfilment of its obligations in

Obligations of the County Government

4. ensuring that the socio-economic rights accruing to the residents of the county are realised.

(1) The Makueni county government shall respect, protect, promote and fulfil the rights and fundamental freedoms set out under the Constitution and in particular, shall;

By section (1) —

- (a) take such measures as it considers appropriate to create the opportunities and an environment in which the economic and social rights can be realised;
- (b) adopt comprehensive strategic plans that ensure the protection and promotion of economic and social rights;
- (c) integrate, within its policies, strategies, actions and such other measures as it would consider necessary for the realisation of the economic and social rights under the Constitution;
- (d) prioritise the allocation of resources to ensure that the economic and social rights are realised while taking into account the special needs of marginalised and vulnerable persons within the county;
- (e) avoid actions that would limit the economic and social rights that are conferred under the Constitution except as provided under Article 24 of the Constitution;
- (f) put in place measures that mitigate against the factors that hinder the realisation of economic and social rights;
- (g) set out corrective measures for the purpose of identifying factors and preventing the causes of factors that impede the realisation of economic and social rights in the county; and invest and promote investments that would facilitate the realisation of economic and social rights.

Guiding Principles

5. Every person shall, in the performance of their functions under this Act, be guided by the following principles in addition to the national values and principles set out under Article 10 and 174 of the Constitution —

- (a) inclusivity and non-discrimination;
- (b) preservation of the well-being and dignity of residents in the county and in particular, the vulnerable persons;
- (c) the promotion of good governance and accountability of duty bearers in meeting their obligations for the realisation of the economic and social rights;

- (d) coordinated public participation in the formulation, implementation and monitoring of policies, strategies and plans aimed at ensuring the realisation of economic and social rights;
- (e) the promotion of sustainable development;
- (f) empowerment and capacity building as a means of promoting the realisation of the economic and social rights;
- (g) transparency and accountability in the Economic and social rights; implementation of programmes and activities aimed at ensuring the realisation of economic and social rights as set out under the Constitution;
- (h) access to information;
- (i) availability and access to timely delivery of services and timely and reliable information that facilitates the realisation of economic and social rights;
- (j) monitoring and evaluation of the policies, strategies and programmes established to enable the realisation of the socio-economic rights and the suitability of interventions put in place to address any gaps in the realisation and enforcement of such rights; and
- (k) sustainability.

PART II – IMPLEMENTATION OF ECONOMIC AND SOCIAL RIGHTS

Economic and Social Rights

6. (1) Pursuant to Articles 43 of the Constitution, every person has the right to the highest attainable standards of economic and social rights including the right to –
- (a) the highest attainable standards of health which includes the right to health care services including reproductive health care services and emergency treatment;
 - (b) accessible and adequate housing;
 - (c) reasonable standards of sanitation;
 - (d) be free from hunger and to have adequate food of acceptable quality;
 - (e) basic nutrition for children;
 - (f) clean and safe water in adequate quantities;

- (g) social security and social assistance; and
 - (g) education.
- (2) The county government shall take the measures specified under this Part for the realisation of the socio-economic rights accruing to the residents of the county and shall, for this purpose –
- (a) put in place the necessary policy and administrative measures;
 - (b) continuously review the existing county policies and legislation to align it with the Constitution, National government policies and standards and the changing circumstances in the county;
 - (c) collaborate with the National government; and
 - (d) collaborate with the Commission.

Right to health

7. Every person has the right to the highest attainable standard of health which shall include the right to—

- (a) the best attainable state of physical and mental health;
- (b) timely and appropriate health care;
- (c) treatment with dignity, respect and privacy;
- (d) be free from non-consensual medical treatment and experimentation;
- (e) emergency treatment and essential medicines; Obligations in the realisation of the right to health; and
- (f) maternal, child and reproductive health.

(2) The right to health shall include the progressive access to promotive, preventive, curative, palliative and rehabilitative services within the county.

Obligations in the realization of the Right to Health

8. (1) The county executive committee member responsible for health shall protect, promote and maintain the right to health of the residents of the county and shall, for this purpose and pursuant to section 20 of the Health Act—
- (a) oversee the delivery of quality health services in the county and for this purpose, ensure that the health facilities meet the standards prescribed under the national health policy, the

Health Act and as may be prescribed by the National government;

- (b) develop and put in place measures that facilitate the development of public and private hospitals and other health facilities in the county;
 - (c) implement strategies in order to facilitate access by vulnerable persons and persons living in remote areas to health services including—
 - (i) the establishment of mobile outreach services;
 - (ii) the establishment adoption of technology for the delivery of off-site health services.
 - (d) plan, manage and develop the human resource necessary for the delivery of county health services;
 - (e) conduct and facilitate the conduct of research on county health services aimed at promoting the administration and delivery of an effective county health system;
 - (f) establish and maintain a county health information management system;
 - (g) provide county health services for the management, prevention and control of communicable and non-communicable diseases;
 - (h) co-ordinate the delivery of emergency health services in the county and for this purpose, collaborate with the National Government and such other stakeholders as the committee member shall consider relevant; and
 - (i) monitor and evaluate the delivery of health services within the county.
- (2) The County Executive Committee Member responsible for health shall, for the effective delivery of health services within the county—
- (a) develop targets, priorities, norms and standards for the delivery of county health services;
 - (b) prepare strategic, short, medium and long term health service delivery and human resource development plans for the delivery of effective county health services;
 - (c) collaborate with the National government and other relevant stakeholders;

- (d) implement the National government policy on the delivery of health services in the county take into account the strategies and programmes put in place by the National Financing of the county health system government for the realisation of the right to health; and
- (e) take such other measures, including the formulation of county specific policy, strategies and programmes and the enactment of county legislation.

Financing of the County health system

- 9. The Makueni county government shall —
 - (a) Appropriate adequate funds out of the monies allocated to the county government, for the financing and development of the county health system;
 - (b) control and manage the cost and financing of county public health hospitals and public health agencies in the county; and
 - (c) equitably prioritise the provision of county health services taking into account the unique health care requirements of vulnerable persons in the county.

Rights to mental illness

- 10. Any person with mental illness has the right persons with to —
 - (a) receive the appropriate medical care for the treatment and rehabilitation of such person;
 - (b) fully participate in the affairs of the community and in any position suitable and based on the person's interests and capabilities;
 - (c) access medical, social and legal services for the enhancement of the protection of the rights of the person under the Constitution to live in dignity and security;
 - (d) right of access to information necessary for health care the treatment, management of the illness and rehabilitation of the affected person and the respective care givers;
 - (e) protection from physical and mental abuse and any form of discrimination and to be free from exploitation;
 - (f) take part in activities that promote the person's social, physical, mental and emotional well-being; and
 - (g) receive reasonable care, assistance and protection from their family and the State.

Right to mental health care

11. (1) The County Executive Committee Member responsible for health shall put in place measures for the realisation of the right to mental health in the county.

(2) The county executive committee member shall, for the purposes of subsection (1) —

- (a) implement the national policy and strategies on mental health within the county;
- (b) establish and maintain community based services on mental health in the county and may, for this purpose, integrate such services within the health facilities existing in the county;
- (c) integrate mental health services into the county health care services in the county;
- (d) prescribe the minimum standards required to be met by public and private health service providers in the delivery of mental health services within the county;
- (e) formulate and implement such programmes as may be necessary for the prevention, early health services; intervention, treatment and rehabilitation of affected persons within the county;
- (f) promote the development of human resource in the county and oversee the coordination and delivery of mental health services in the county; and
- (g) collaborate with the National government in the implementation of the national policy and strategies on mental health in the county.

Emergency health services

12. (1) Every person has the right to emergency medical treatment.

(2) The county executive committee member responsible for health shall put in place measures to enhance the capacity of county health facilities to deliver emergency treatment and the handling and transfer of patients to referral facilities where required.

(3) The County Government shall ensure every county health facility is in position to deliver emergency medical treatment to any person who requires such services in the county and shall, for this purpose—

- (a) respond rapidly to requests for help in a medical emergency;

- (b) provide specialised medical skills to maintain life and to reduce injuries in emergency situations and while moving people requiring those skills;
 - (c) provide specialised transport facilities to move people requiring emergency medical treatment;
 - (d) provide services for which specialised medical or transport skills are necessary;
 - (e) to foster public education in first aid.
- (4) The county executive committee member responsible for health shall, for purposes of subsection (3) —
- (a) establish emergency, health services and communication centre services for the delivery of emergency services within the county;
 - (b) establish an integrated emergency service system that is easily accessible to all person in the county;
 - (c) promote the development of human resource and promote the allocation of adequate resources for the delivery of emergency in the county;
 - (d) acquire the necessary equipment, including ambulances and facilities necessary for the delivery of emergency services in the county;
 - (e) collaborate with the National government and such other agencies in the county as may be necessary to ensure the effective delivery of emergency services within the county.

Provision of health care services to vulnerable persons

- 13.** (1) The county government shall put in place measures to facilitate access to health services to vulnerable persons in the county.
- (2) The county executive committee member shall, for the purposes of subsection (1), —
- (a) put in place measures for the delivery of health services at a subsidised cost to such persons;
 - (b) notwithstanding paragraph (a), put in place measures for the delivery, affordable or subsidised—
 - (i) vaccination services for children below the age of five years; and

- (ii) maternity health services Referral from one health establishment to another.
- (c) undertake an assessment of the prevailing health needs of such vulnerable persons residing in the county; and
- (d) identify and implement specific interventions for health care targeting vulnerable persons residing in the county.

Referral from one health establishment to another

14. (1) Where a health facility within the county is incapable of providing the necessary treatment or care, the health facility shall —

- (a) transfer the person concerned to the appropriate health facility; and
- (b) immediately deliver to the health facility to which the person is transferred all the information relating to the condition and treatment administered to that person.

Right to accessible and adequate housing

15. Every person has the right to accessible and adequate housing which shall include the right to —

- (a) adequate space in the unit of shelter;
- (b) adequate provision of sanitary services within the dwelling place;
- (c) adequate protection from adverse weather and natural elements;
- (d) safe drinking water and water for personal use within such dwellings;
- (e) privacy; and
- (f) separation of the housing facilities from facilities erected for the shelter of animals.

Guiding principles for the provision of adequate housing

16. The county government, in ensuring the realisation of the right to accessible and adequate housing, shall be guided by the following principles —

- (a) security of tenure including protection from forceful eviction, harassment and other forms of unlawful displacement;
- (b) availability of services, materials, facilities and infrastructure including provision of safe clean drinking water of adequate

quantities, adequate sanitation and refuse disposal and a clean environment;

- (c) affordability;
- (d) habitability including physical safety and protection from adverse weather;
- (e) accessibility by vulnerable persons;
- (f) location including access to essential services, schools, health services, employment opportunities and other social facilities; and
- (g) cultural adequacy by taking into account the cultural identity and norms of specific communities within the county.

Obligations in the realization of the right to housing

17. (1) The county government shall put in place policies, strategies and programmes to facilitate the realisation of the right to adequate housing under Article 43 of the Constitution.

(2) The county executive committee member responsible for housing shall, in fulfilling the obligation set out under subsection (1)—

- (a) evaluate;
- (i) the existing housing conditions in the County;
- (ii) the extent of homelessness and inadequate housing in the county;
- (iii) the levels of accessibility by residents of the county to resources for housing and development of housing;
- (iv) the levels of accessibility to housing by vulnerable persons in the county;
- (v) the existing strategies for the provision of housing in the county and their effectiveness in facilitating the realisation of the right to housing of residents within the county;
- (b) identify the vulnerable and marginalised groups within the county who do not have access to housing or housing resources and put in place measures for housing targeting such groups;
- (c) put in place strategies to prevent homelessness and for this purpose —
 - (i) identify persons who have suffered from long-term homelessness;

- (ii) implement strategies for improving the quality of services for homeless persons; and
 - (iii) put in place measures to avail resources including subsidies to enhance access to housing resources;
- (d) put in place integrated policies for the provision of financial support and social services for persons who have no access to housing;
- (e) put in place market incentives to expand the supply of affordable housing, promote support services for the homeless and vulnerable groups;
- (f) put in place incentives targeting the private sector for the provision of affordable rental and owner-occupied housing and mobilise resources necessary for the provision of housing in the county; and
- (g) put in place measures that support the initiatives and of local communities and residents of the county to resolve housing problems, promote the establishment of housing cooperatives and undertake their own building projects.
- (3) The county executive committee member responsible for housing shall—
- (a) respect, protect, promote and ensure the fulfilment of the right to accessible and adequate housing of vulnerable persons residing in the county;
 - (b) collaborate with the National government in the implementation of the National government policy as well as international standards applicable to Kenya on housing and the most appropriate county specific interventions for the provision of accessible and adequate housing;
 - (c) ensure accountability and transparency in the implementation of the existing national policy of housing, county policies, strategies and programmes;
 - (d) put in place a mechanism for the coordinated public participation in the formulation and implementation of policies and plans for the provision of adequate housing;
 - (e) undertake targeted empowerment and capacity building for residents in the county to enable them access housing resources and enhance their ability to provide for themselves adequately;

- (f) establish a consultative framework of the relevant stakeholders in the public and private sector in the county for the provision of accessible housing resources to residents within the county;
- (g) ensure that interventions for the provision of accessible and adequate housing and sanitation are based on objective information; and
- (h) establish a framework for the monitoring and evaluation of the policies, strategies and programmes implemented by the county government for the provision of housing to its residents.

Measures for the provision of housing to vulnerable groups

18. The county executive committee member responsible for housing shall, in collaboration with the county executive committee member responsible for finance, put in place measures that target and support access by vulnerable person to housing and housing resources including—

- (a) the provision of housing subsidies;
- (b) programmes for the provision of public housing, basic services within the housing schemes and related infrastructure; and
- (c) taxation and redistributive measures to support the provision of housing services to vulnerable persons.

Rights of displaced persons

19. (1) The county government shall take measures 24 displaced persons, to protect the right to housing and avoid measures that result in the displacement of a person from their dwelling place.

(2) Where the county government determines that it is necessary to evict and/ or displace persons from their dwelling place or carry out demolitions, the respective county executive committee member responsible for housing shall —

- (a) comply with existing National Government Policy and Legislation and County Legislation on the rights of displaced persons;
- (b) issue a notice of at least thirty days prior to the said eviction or demolitions;
- (c) undertake adequate consultations with the residents that are likely to be affected by the demolitions are undertaken;

- (d) put in place mechanisms to ease the relocation or resettlement of the affected residents; and
- (e) supervise the said evictions, demolitions or resettlement to ensure that they are undertaken in accordance with the law and in a manner that preserves the dignity of the affected residents.

Freedom from hunger and right to adequate food of acceptable quality

20. (1) Every person has the right to be free from hunger and to have adequate food of an acceptable quality including the right to—
- (a) either feed her or himself directly from productive land or other natural processes;
 - (b) access to food resources and to an effective functioning food distribution, processing and market systems;
 - (c) be financially able not only to acquire a sufficient quantity and quality of food, but also to satisfy her or his other basic needs;
 - (d) be safe from the risk of losing access to food as a consequence of sudden shocks or cyclical events;
 - (e) good food utilization through access to an adequate diet, clean water, sanitation and health care to reach a state of nutritional well-being where all physiological needs are met; and
 - (f) access foods or diets that are the most appropriate under given circumstances in terms of their nutritional value and cultural acceptability. Freedom from hunger and right to adequate food of acceptable quality.

Guiding principles on the freedom from hunger and the right to food

21. (1) The county government shall, in the performance of its functions in ensuring the realisation of the freedom from hunger and the right to adequate food of acceptable quality under this Part, be guided by the following principles—
- (a) availability of food in sufficient quantities and of appropriate quality;
 - (b) non-discrimination and equity in the access to adequate food;
 - (c) coordinated public participation in the formulation, implementation, monitoring and control of policies and plans related to food security within the county;

- (d) transparency and accountability in the realisation of the right to food;
- (e) targeted empowerment and capacity building initiatives for residents within the county in order to enable them to produce or purchase their own food in the shortest time possible; and
- (f) availability and access to timely and reliable information through the establishment of a simple, fair and accessible procedure enabling a person to seek and receive information relevant to the enjoyment of the right to food.

Obligation in the realization of the right to food

22. (1) The county government shall put in place policies, strategies and programmes to facilitate the realisation of the right to adequate food of acceptable quality under Article 43 of the Constitution.

(2) The county executive committee member responsible for matters relating to agriculture shall, in fulfilling the obligation set out under subsection (1), -

- (a) implement the existing national policy on food security within the county and for this purpose, collaborate with the National government;
- (b) carry out research in order to —
 - (i) determine the levels of food insecurity and in particular, identify the food insecure areas within the county;
 - (ii) determine the levels of access to food by residents of the county;
 - (iii) identify factors that hinder the realisation of the right to food in the county;
 - (iv) evaluate the existing strategies for the realisation of the right to food in the county and their effectiveness in facilitating the realisation of the right with respect to residents within the county; and
 - (v) determine the most appropriate interventions to address the food needs within the county;
- (c) identify the vulnerable and marginalised groups within the county who do not have access to food and establish mechanisms for ease of access to food of acceptable quality by such persons including —
 - (i) food distribution programmes;

- (ii) establishment of food subsidy programmes;
 - (iii) provision of farm implements at a subsidized cost;
- (d) put in place integrated policies for the provision of financial support and social services for persons who have no access to food;
- (e) create appropriate areas in which to set up local and regional food markets particularly in poor urban and rural areas;
- (f) promote a food and nutrition culture which reappraises local knowledge and makes it possible to develop food hygiene and best practices;
- (g) undertake, and promote the carrying out of research in collaboration with a public or private research institution and adoption of appropriate technologies that enhance the production, access and distribution of food within the county;
- (h) establish a competent food distribution infrastructure in the county to facilitate distribution of food and the implementation of food programmes in the county;
- (i) collaborate with the National government and other stakeholders in the private sector to promote activities that result in the increase and improvement of agricultural production and the availability, access, utilization and stability of food among vulnerable groups in order to decrease poverty and hunger, improve health and achieve household food and nutrition security;
- (j) promote diversification and the use of alternative methods of agriculture and livestock systems and the production of diverse food crops to mitigate against drought and other climatic conditions that negatively impact food production;
- (k) establish a mechanism to address emergencies that are likely to arise within the county and fetter the right to adequate food of acceptable quality; and
- (l) mobilise and sensitize the community on food and nutrition and in collaboration with the relevant stakeholders and institutions in the area, conduct capacity building, education and information campaigns on food and nutrition security issues.

Vulnerable groups

- 23.** (1) The county executive member responsible for agriculture shall put in place measure for the realisation of the right to food under this Act with respect to vulnerable groups and shall, for this purpose —
- (a) identify the categories of vulnerable persons residing in the county; and
 - (b) design and implement the most appropriate measures to put in place for the realisation of their right to food including —
 - (i) programmes to ensure that the special nutrition needs of pregnant and nursing mothers who are food poor are met;
 - (ii) measures that assist mothers to provide adequate care for their infants;
 - (c) adopt measures to provide for food and nutrition needs of orphaned and vulnerable infants and other vulnerable groups;
 - (d) put in place measures to ensure that pregnant and nursing women have access to information about their nutrition needs and those of their children;
 - (e) promote and protect the right of infants to breast milk and to appropriate weaning foods after six months of age and adopt appropriate measures to ensure the enjoyment of the right to food for infants; and
 - (f) formulate and implement programmes, health interventions and monitoring and support systems that promote the health and nutrition of vulnerable persons.

Right to clean and safe water

24. Every person has the right to clean and safe water in adequate quantities including the right to sufficient, accessible, culturally acceptable and affordable water for personal and domestic use.

Guiding principles on the right to water

25. The county executive committee member responsible for water shall, in ensuring that the right to water under section 24 is realised, be guided by the following principles—

- (a) availability of water in adequate quantities;
- (b) physical access to water by ensuring that it is within the reach of residents within the county;
- (c) acceptability by ensuring that it meets social and cultural norms;

- (d) affordability of the water delivered to residents within the county;
- (e) that priority is given to areas where availability of water is low;
- (f) non-discrimination taking into account the needs of the vulnerable persons within the county;
- (g) sustainability and ensuring that the water resources are available for use by the future generations;
- (h) access to information and transparency;
- (i) public participation by residents within the county in the planning, development, management and use of water resources within the county; and
- (j) the water that is availed is safe for consumption and is of a quality that meets the requirements as specified under this Act.

Obligations in the realisation of the right to water

26. (1) The county executive committee member responsible for matter relating to water shall, in ensuring that the right to water under section 24 is realised —

- (a) put in place measures for the provision of minimum essential amount of safe water that is sufficient and safe for personal and domestic uses to prevent disease;
- (b) facilitate the physical access to water facilities or services that provide sufficient, safe and regular water that have a sufficient number of water outlets to avoid prohibitive waiting times; and that are at a reasonable distance from the household;
- (c) put in place mechanisms to ensure that there is no wastage of water including programmes for the harvesting, recycling and preservation of water by public institutions and residents of the county;
- (d) for the protection and effective management of existing water resources within the county, in collaboration with the National government;
- (e) to safeguard the personal security of the residents and ensure that their security is not threatened when having to physically access water;
- (f) for the equitable distribution of all available water facilities and service;

- (g) for the implementation of the policy on water and plan of action by the National government;
 - (h) for the coordinated public participation in the formulation and implementation of policies and plans for the provision of adequate water and sanitation;
 - (i) for the implementation of low-cost targeted water programmes;
 - (j) for the prevention, treatment and control of diseases linked to water; and
 - (k) access to adequate sanitation.
- (2) In implementing the strategies set out under subsection (1), the county executive committee member responsible for matters relating to water shall—
- (a) collaborate with the National Government and such other stakeholders as the county executive committee member shall consider necessary;
 - (b) ensure that the available resources in the county are allocated and take into account the greatest good for the greatest number;
 - (c) monitor the extent to which the right to water is realised;
 - (d) ensure accountability and transparency in the implementation of policies, strategies and programmes; and
 - (e) ensure that interventions for the provision of water are based on objective information and methods and monitoring mechanisms and regular evaluations are established, thus ensuring transparency in the provision of water.

Quality of water

- 27.** (1) The county executive committee member shall ensure that the water available for consumption and use within the county—
- (a) is free from pathogenic organisms;
 - (b) is not saline;
 - (c) is free from offensive taste and smell;
 - (d) is free from chemical contamination that may have an adverse effect on human health;
 - (e) is free from chemicals that may cause corrosion to pipe or other appurtenances; and

- (1) meets such other standards as the county executive committee member shall prescribe.
- (2) The county executive committee member responsible for matters relating to water shall, for the fulfilment of the obligations set out under subsection (1) establish a programme to monitor the quality of water supplies for use within the county and shall, for this purpose—
 - (a) collaborate with the Cabinet Secretary responsible for water in the National Government in the provision of safe water;
 - (b) ensure the testing of water is carried out at such intervals, not less than twice a year, and in such manner as the committee member shall, by notice in the County *Gazette*, determine; and
 - (c) establish such laboratories and collaborate with existing institutions as committee member may consider appropriate for the testing of such water.

Safeguarding of water resources

- 28.** (1) The county executive committee member responsible for matters relating to water shall, in line with the Water Act, 2016 and the Makueni County Water Act, 2020, put in place measures to—
- (a) prevent water pollution;
 - (b) mitigate against effects of water pollution existing at the commencement of this Act;
 - (c) reduce health hazards; and
 - (d) protect the water ecosystems within the county.
- (2) The County Executive Committee Member responsible for matters relating to water shall, for purposes of subsection (1)—
- (a) collaborate with the National government and other relevant stakeholders within the county in the protection of the water resources within the county;
 - (b) adopt technologies and affordable sanitation and industrial waste water treatment;
 - (c) establish a mechanism to prevent and mitigate against ground water contamination; and Management of water resources within the county.
 - (d) carry out sensitization and capacity building programmes on actions to be undertaken by members of the communities within the counties for the preservation of water resources and prevention of pollution of such resources.

Management of water resources within the county

29. (1) The county government shall put in place measures for the protection and effective management of water resources within the county.

- (2) The county executive committee member responsible for matters relating to water shall, for purposes of subsection (1) —
- (a) collaborate with the National government for the protection of the water resources within the county;
 - (b) put in place measures for the protection of existing water resources found within the county;
 - (c) put in place measures for the protection of water resources from any form of pollution or contamination;
 - (d) prevent the depletion of water resources by putting in place measures to prevent the unsustainable extraction, diversion or damming of water;
 - (e) ensure that any developments undertaken in the county do not interfere with the existing water resources;
 - (f) carry out sensitization programmes amongst residents and communities residing along water catchment areas; and
 - (g) put in place such other measures as may be necessary for the protection of water resources within the county.

Impact assessment of developments on water resources

30. (1) Where a person intends to carry out a development on land that is likely to affect a water resource within the county, the person shall, in addition to such other requirements prescribed under any other written law, undertake an impact assessment in order to—

- (a) determine the effect the development is likely to have on the water resource;
- (b) ensure that the development does not fetter the right to clean and safe water;
- (c) set out measures to mitigate against any negative impact the development is likely to have on the water resource; and
- (d) contain such other information as the county executive committee member shall determine.

- (2) In undertaking an impact assessment under subsection (1), the person shall—
- (a) ensure that the assessment is based on qualitative and quantitative data, disaggregated by gender, disability, age group, region, ethnicity and any other relevant grounds;
 - (b) carry out meaningful public participation and involve the relevant stakeholders and the communities or residents residing around the water resource and whose right to water is likely to be affected by the development;
 - (c) evaluate the impact the development is likely to have on —
 - (i) vulnerable persons residing around the water resource; and
 - (ii) the cultural rights of the people residing around the water resource;
 - (d) ensure that the process is undertaken in a transparent manner; and
 - (e) ensure compliance with the Environmental Management and Coordination Act (*No. 8 of 1999*).

Shared water resources

31. Where water resources are shared by two or more counties, each county government shall—

- (a) take all legal, administrative, economic, financial and technical measures to prevent transboundary harm that would impair the right to water of the local population in the other counties;
- (b) exercise administrative control over public and private operators to safeguard the right of residents in the other counties who are dependent on the water resource;
- (c) conduct a human rights impact assessment and an environmental impact assessment in accordance with the Environmental Management and Coordination Act where the county government intends to undertake a development or any other activity which is likely to cause harm to the shared resource or prejudice the right to water of residents of the counties sharing the resource;
- (d) take measures to prevent transboundary damage to the water resource; and

- (e) consult with, and carry out public participation forums with the affected counties and in particular, the communities residing along the water resource.

Storm water management

32. (1) The county executive committee member responsible for matters relating to water shall put in place measures for the management of storm water in the respective county.

- (2) The county executive committee member shall, for purposes of subsection (1) –
 - (a) formulate and adopt a storm water management plan in accordance with section 32 and with the participation of the residents of the county;
 - (b) coordinate the management of storm water in the county;
 - (c) put in place measures for the reduction of pollutant loads to water bodies in the county and maintenance of the natural hydrology of existing watersheds;
 - (d) put in place measures for the harvesting and recycling of storm water; and
 - (e) carry out sensitization programmes amongst residents of the county on the management of storm water including the harvesting and storage of water.

Development of a storm water management plan

33. (1) The county executive committee member responsible for water shall prepare and submit to the Governor for approval, a storm water management plan for each watershed located in the county.

- (2) The plan prepared under subsection (1) shall be reviewed at least every five years.

Information contained in a storm water management plan

34. (1) The county executive committee member shall, in preparing the storm water plan under section 32, set out the following information in the plan –

- (a) a survey of existing runoff characteristics in small as well as large storms, including the impact of soils, slopes, vegetation and existing development;
- (b) a survey of existing significant obstructions and their capacities;

- (c) an assessment of projected and alternative land development patterns in the watershed, and the potential impact of runoff quantity, velocity and quality;
 - (d) an analysis of present and projected development in flood hazard areas, and its sensitivity to damages from future flooding or increased runoff;
 - (e) a survey of existing drainage problems and proposed solutions;
 - (f) a review of existing and proposed storm water collection systems and their impacts;
 - (g) an assessment of alternative runoff control techniques and their efficiency in the particular watershed;
 - (h) an identification of existing and proposed flood control projects at the national and county level of government located in the watershed and their design capacities;
 - (i) a designation of those areas to be served by storm water collection and control facilities within a ten-year period, an estimate of the design capacity and costs of such facilities, a schedule and proposed methods of financing the development, construction and operation of such facilities, and an identification of the existing or proposed institutional arrangements to implement and operate the facilities;
 - (j) criteria and standards for the control of storm water runoff from existing and new development which are necessary to minimize dangers to property and life and carry out the purposes of this act; and
 - (k) priorities for implementation of action within the plan.
- (2) The county executive committee member shall, in preparing a storm water plan, ensure that the plan —
- (a) contains such provisions as are reasonably necessary to manage storm water such that development or activities in the county within the watershed do not adversely affect health, safety and property in other neighbouring counties where a watershed is shared and in basins to which the watershed is tributary; and
 - (b) is consistent with other existing municipal, county, regional and State environmental and land use plans.

Joint storm water management plans

35. Where a watershed includes land in more than one county, the county executive committee members in the respective counties shall prepare, adopt and submit a joint plan for the entire watershed to the respective Governor for approval.

Approval of plans

36. (1) The county executive committee member responsible for water shall, within fourteen days of the preparation and approval of the storm water management plan, submit the plan to the County Assembly for approval.

(2) The county executive committee member shall, upon approval of the plan by the county assembly, circulate and publicise the plan through such means as it considers necessary to the residents of the county.

Availability of information on water

37. (1) The county executive committee member responsible for matters relating to water shall keep, maintain and avail on request reliable and accurate information on matters relating to the right to access of water within the county including information on—

(a) the quality, quantity, costs and continuity of water supplies, services and facilities necessary for daily use by individuals and communities including information on the—

- (i) quality of drinking water, water safety and accessibility;
 - (ii) available water supplies, their frequency, methods of delivery and maintenance;
 - (iii) emergency water supplies and services;
 - (iv) water and sanitation tariffs, tariff structures and any changes to such tariffs and structures;
- (b) the management of water and sanitation sectors in the county by the county government including information on –

- (i) surface and ground water quality and quantity;
- (ii) budgets, revenues and expenditure with respect to water and sanitation services in the county;
- (iii) financial aid programmes and mechanisms for the provision of water and sanitation services aimed at the marginalised and vulnerable groups;

- (iv) sustainability measures aimed at preserving the resources; and
 - (v) disaster risk reduction and response strategies and mechanisms for addressing water and sanitation needs within the county;
- (c) existing databases and records on assets held by the county government relating to the water and sanitation sector;
 - (d) contracts, concessions and partnerships entered into by the county government for the provision or supply by the county government of water and the management of water resources;
 - (e) the development and implementation of water and sanitation projects within the county including information on the planning, procurement, licensing and compliance with any conditions that may be imposed by the county government; and
 - (f) such other information as the county executive committee member may consider necessary.
- (2) The county executive committee member or any person acting on behalf or under the authority of the county government shall not—
 - (a) impose restrictions on the right to access information under subsection (1); or
 - (b) withhold or misrepresent information, including information on commerce-related activities of private entities and industries that affect the right to water under this Act.
- Right to sanitation**
- 38.** (1) Every person has the right to sanitation including the right of access to reasonable and sustainable standards of sanitation.
- (2) The right to sanitation under subsection (1) shall include the right to —
 - (a) proper disposal of human waste in a manner that prevents disease and safeguards privacy and dignity;
 - (b) the collection, transportation, treatment and disposal or recycling of human waste, domestic wastewater and any other form of waste;
 - (c) the establishment and management of an effective solid waste management; and

- (d) the establishment and management of storm water management system.

Principles for the enforcement of the right to sanitation

39. In ensuring that the right to sanitation is realised, the county government shall be guided by the following principles —

- (a) safety in order to prevent contamination and put in place mechanisms for the provision of privacy and a safe environment for the disposal and management of waste;
- (b) accessibility by ensuring that adequate facilities, including ablution blocks and the connected services including removal of wastewater and sewerage or latrine exhaustion are available and within the reach of residents within the county;
- (c) accessible facilities are put in place for use by children, persons with disabilities and older members of society;
- (d) availability of sanitation facilities and services at an affordable rate to all persons residing within the county without reducing the person's or household's capacity to acquire other essential goods and services; and
- (e) the design and construction of sanitation facilities in a manner that is culturally appropriate so as to ensure privacy, dignity and safety.

Obligations of the county government

- 40.** (1) The county government shall put in place such structures and implement programmes necessary for the enforcement of the right to sanitation.
- (2) The county executive committee member shall, for purposes of subsection (1) —
- (a) propose areas for reform or review of existing laws, policies and strategies in order to ensure that sanitation is given sufficient priority particularly amongst the vulnerable persons;
 - (b) adopt the most appropriate technologies and machinery for the collection, transport, treatment, disposal or reuse of waste;
 - (c) avail such land as may be held by the county government for the provision of sanitation facilities and the construction of sanitation blocks and local treatment plants;

- (d) put in place measures, including availing resources at a subsidised cost, to facilitate the communities in the construction of sanitation facilities;
- (e) put in place measures for the provision of sewerage services at an affordable rate;
- (f) sensitize the residents of the county on matters relating to sanitation; and
- (g) provide financial and technical assistance in the construction of sanitation facilities and provision of sanitation services with priority given to sanitation for vulnerable persons.

Right to social security and social assistance

41. Every person has the right to social security and social assistance.

Principles for the administration of social security and assistance

42. (1) The county executive committee member administration of social security and assistance, shall, for the purposes of section 41, be guided by the following principles—

- (a) availability and sustainability of the social assistance programme;
- (b) focus on ensuring that the socio-economic rights of every resident requiring social assistance are realised;
- (c) adequacy of the social security and assistance programmes both in amount and duration to ensure the realisation of the recipient's right to family protection and assistance, an adequate standard of living, and adequate access to health care;
- (d) accessibility in terms of coverage, eligibility, affordability, participation and information, and physical access;
- (e) non-discrimination; and
- (f) public participation.

Obligations of the county in the provision of social assistance and social security

43. Where a person is determined to require social assistance, the county executive committee member shall, upon the provision of such social assistance to such person—

- (a) put in place measures to ensure that the needs of the person shall be taken into consideration first in the delivery of other services in the county;
- (b) identify and implement measures that increase the ability of the person to organise his or her life as independently as possible;
- (c) collaborate with the National Social Assistance Authority established under section 3 the Social Assistance Act;
- (d) evaluate the efficiency of the measures implemented from the viewpoint of the person in need of assistance and, if necessary, from the viewpoint of the family and community shall be taken as the basis;
- (e) the involvement of person in need of assistance and, if necessary and with the consent of that person, his or her family members in all the phases of the provision of assistance;
- (f) avail the information necessary to enable the person and persons involved in the process to make an informed decision.

Emergency social assistance

44. (1) The county executive committee member shall put in place measures for the provision of emergency social assistance to a person who find himself or herself in a socially helpless situation due to the loss or lack of means of subsistence which guarantees the persons the right to food, clothing and temporary accommodation.

(2) Emergency social assistance shall be provided to a person until that person is no longer in a socially helpless situation due to the loss or lack of means of subsistence.

Interpretation

45. For the purposes of this sub-Part, “child” means a person who is at least three years of age and not more than six years of age or who meets such other criteria for admission as the county executive committee member may, in consultation with the County Education Board, determine.

Right to education

- 46.** (1) Every child has the right to early childhood education.
- (2) Every person has the right to have access to further education and vocational and continuing training.

Right to early childhood education and development

47. The right to early childhood education shall include the right to—

- (a) the highest standards of early education and childcare;
- (b) care and learning opportunities appropriate to meeting needs and personal choices;
- (c) be kept safe from harm, including protection from child abuse, bullying, and risks to health in the education facility;
- (d) be treated with respect including being involved in all decisions affecting them by receiving information in a way that is understandable, having opportunities to express views, ask questions and receive truthful responses; and
- (e) receive positive guidance free from coercion and discrimination.

Guiding principles on the right to early childhood education and vocational training

48. (1) In ensuring that the right to education is realised under this Act, the county government shall be guided by the following principles—

- (a) the respect, protection, promotion, monitoring and evaluation of the right to early childhood education and vocational training in the county;
- (b) availability and accessibility of early childhood education and vocational training by all children within the county irrespective of their economic, social or religious background;
- (c) public participation in the formulation and implementation of any service or programme interventions towards early childhood education and vocational training;
- (d) development of skills and capacity building necessary for achieving an equitable and effective early childhood education system and vocational training system in the county; and
- (e) provision of a sustainable early childhood education system and vocational training system and protect the right to early childhood education and vocational training from encroachment by any public authority or any person.

County early childhood education system

49. (1) The county executive committee member responsible for education shall ensure that the early childhood education and development system established in the county has as its goal, the effective learning for every child in the county and ensure equality of opportunity from the beginning of organised instruction.

(2) In establishing the education system under subsection (1) the county executive committee member shall —

- (a) ensure that the system —
 - (i) takes into account the best interest of children within the county;
 - (ii) promotes the full intellectual, emotional and physical development of children;
 - (iii) provides satisfactory education in accordance with children's academic knowledge and prowess;
 - (iv) increases the degree of specialisation with regard to children's aptitudes,
 - (v) skills, talents and learning differences;
- (b) maintain an open education system that permits the transfer from one school type to another school type after proper orientation;
- (c) incorporate measures to improve the delivery of early childhood and vocational education in the county;
- (d) consult and collaborate with the National government and such other stakeholders in the education sector; and
- (e) comply with existing policies, standards and legislation by the National government on the administration and delivery of early childhood education by county governments.

Obligations in the realisation of the right to early childhood education

50. (1) The county government shall establish measures for the effective administration of the early childhood education system in the county and shall, for this purpose —

- (a) ensure adequate resources are allocated for -

- (1) the establishment of adequate childcare facilities and procurement of the necessary resources to effectively administer early childhood education; and
 - (ii) the provision of facilities, reasonable accommodation and support measures to enable access by children with disabilities;
 - (b) ensure the compulsory admission, attendance and completion of early childhood education and for this purpose, monitor the admission, attendance and completion of such education by students;
 - (c) ensure, in collaboration with the Kenya Institute of Curriculum Development, the timely prescription and review of the curriculum and courses for study specific to the county; and
 - (e) put in place measures to ensure that a child belonging to a marginalised group is not discriminated against or in any way prevented from pursuing and completing early childhood education.
- (2) The county executive committee member shall, for the purpose of subsection (1)—
- (a) ensure that good quality early childhood education is administered and delivered in accordance with existing policies, standards and legislation on early childhood;
 - (b) ensure that the early childhood education institutions comply with policies, standards and norms for the delivery of early childhood education and may, for this purpose, designate inspectors for the purpose of enforcing compliance;
 - (c) monitor the admission, attendance and completion by children, of early childhood education and for this purpose, put in place measures to facilitate attendance;
 - (d) adopt measures to ensure that adequate resources are put in place for the administration of early childhood education and may, for this purpose -
 - (i) take into account existing educational facilities;
 - (ii) adopt the necessary technologies and mechanisms to facilitate the delivery of early childhood education;
 - (e) establish mobile schools to ensure that children in remote areas access education;
 - (f) ensure that the curriculum developed under subsection (1)—

- (i) conforms with the values and principles enshrined in the Constitution;
 - (ii) promotes the all-round development of the child;
 - (iii) builds the knowledge, potentiality and talent of the child;
 - (iv) ensures the development of physical and mental abilities to the fullest extent;
 - (v) provides for learning through activities, discovery and exploration in a child friendly and child-centered manner;
 - (vi) promotes the independence of the child and provides a platform for the free expression of views held by the child; and
 - (vii) promotes the comprehensive and continuous evaluation of child's understanding of knowledge and his or her ability to apply the same;
- (g) establish, in collaboration with Kenya Institute of Curriculum Development, a mechanism for monitoring and evaluating the administration and delivery of early childhood education.

Right to education of children with disabilities and children with special needs

- 51.** (1) The county executive committee member shall establish a mechanism for the identification of children with disabilities and children with special needs and put in place such infrastructure as may be necessary to ensure that such children have access to, and are provided with early childhood education.
- (2) In performing his or her functions under subsection (1), the county executive committee member shall—
- (a) put in place mechanisms and develop screening tools necessary for the early identification of children with disabilities;
 - (b) set up structures that ensure that children with disabilities and children with special needs are given the appropriate intervention as early as possible;
 - (c) make provision for sufficient access to resources, funding and support and maintaining an enabling environment in which children can attain early childhood education;
 - (d) ensure that there are adequate learning institutions, facilities and rehabilitation services for children with disabilities;

- (e) conduct training and capacity building programmes targeting teachers and trainers who specialize in training and caring for children with special needs;
- (f) conduct sensitization and awareness campaigns on learning disabilities and issues affecting children with special needs;
- (g) ensure that there are adequate facilities and ensure that every education centre has at least one teacher to assist children with special needs; and
- (h) put in place the necessary facilities to ensure the production of and access to affordable assistive aids and devices for children with special needs.

Special provision for children who have not been admitted or completed education

52. (1) Where a child has not been admitted in any early childhood education facility or despite being admitted, was unable to complete his or her education, the child shall, subject to subsection (2) be admitted in a class appropriate to his or her age.

(2) Where a child is directly admitted in a class appropriate to his or her age, the child shall, in order to be at par with others, have a right to receive special training, in such manner, and within such time-limits, as the county executive committee member may prescribe.

Mobile schools

53. The county executive committee member shall, for the purpose of facilitating the right of access to early childhood education in rural or remote areas, establish mobile schools.

School feeding programmes

54. (1) The county executive committee member responsible for education shall, in collaboration with the county executive committee member responsible for agriculture and in order to promote the enrolment, attendance, retention completion and learning of children attending public early childhood education facilities in the county, establish school feeding programmes.

(2) The county executive committee member shall, in the implementation of school feeding programmes in the county—

- (a) promote equality and equity across the county;
- (b) ensure that the food meets the dietary needs of the children;

- (c) collaborate with the National Government and other relevant stakeholders in the county;
- (d) ensure transparency and accountability in the administration of the programme; and
- (e) put in place a mechanism for community participation.

General provision on enforcement of socio-economic rights

55. In fulfilling its obligations in the enforcement of socio-economic rights under this Part, the county government shall –

- (a) consider the existing National policies and national legislation with respect to the realisation of the rights specified under this Part;
- (b) take into account existing international instruments which are applicable to Kenya by virtue of Article 2(6) of the Constitution;
- (c) develop the most appropriate county specific interventions to enable the realisation of the rights specified under this Act; and
- (d) review existing county legislation to ensure that it conforms to National Policy and facilitates the realisation of the rights as set out under Article 43 of the Constitution.

PART III – COUNTY OVERSIGHT COMMITTEE ON THE IMPLEMENTATION OF SOCIO-ECONOMIC RIGHTS

The role of the County executive committee

56. The County Executive Committee members shall, in the respective departments oversee the implementation of and be responsible for the implementation of this Act and shall adopt a rights based approach in the implementation of the policies, strategies and programmes within the respective departments.

Establishment of the County Committee

- 57.** (1) There is established a county implementation committee on the implementation of socio-economic rights which shall consist of –
- (a) The county executive committee member responsible for matters relating to planning in the County or a public officer designated in writing and who shall be the chairperson of the committee;
 - (b) the County Attorney or a public officer designated in writing and who shall be the secretary to the committee;

- (c) the county executive committee member responsible for matters relating to agriculture or a public officer designated in writing;
- (d) the county executive committee member responsible for matters relating to water and natural resources or a public officer designated in writing;
- (e) the county executive committee member responsible for matters relating to health or a public officer designated in writing;
- (f) the county executive committee member responsible for housing and natural resources or a public officer designated in writing;
- (g) the county executive committee member responsible for social services or a public officer designated in writing;
- (h) the county executive committee member responsible for early childhood education or a public officer designated in writing;

Terms and conditions of service

58 (1) The members of the committee shall be paid such allowances as the county governor shall determine in consultation with the Salaries and Remuneration Commission.

Functions of the County Committee

59. (1) The functions of the county committee shall be to —

- (a) oversee the implementation of the respective policies, strategies and programmes on the realization of socio-economic rights under this Act;
- (b) advise the Governor on technical issues related to the implementation of different programmes on the socio-economic rights within the county;
- (c) ensure a coordinated approach in the realization of the socio-economic rights in the county and for this purposes, —
 - (i) collaborate with the relevant National Government agencies; and
 - (ii) develop an implementation framework with respect to the activities required to be undertaken under this Act including the timelines within which such activities are required to be undertaken by the respective actors;

- (d) initiate, undertake and participate in the collection, preparation, production and dissemination of data and information on the realization of the socio-economic rights in the county;
- (e) ensure the proper identification of vulnerable persons in the county and ensure that the interventions put in place to ensure the realization of their socio-economic rights are effective;
- (f) coordinate activities of institutions, the private sector, non-governmental organizations and community based organizations involved in the formulation and implementation of programmes for the realization of socio-economic rights in the county;
- (g) develop and disseminate findings derived through evaluations and the collection of data under paragraph (d);
- (h) oversee the coordinated implementation of emergency programmes where factors arise that impede the realization of socio-economic rights within the county;
- (i) mobilise and sensitize the community on the realization of socio-economic rights and in collaboration with the relevant stakeholders and institutions in the area, conduct capacity building, education and information campaigns on human rights issues;
- (j) identify factors that impede the economic development of, and access to essential financial services by, marginalised groups and make recommendations on policies and strategies to address the barriers;
- (k) periodically evaluate existing policies, legislation, strategies and programmes by the National and county governments that provide for the realisation of economic and social rights and make such recommendations as it may consider necessary that would ensure the facilitation of the realisation of such rights in the county;
- (l) establish linkages and networks with local, international and research institutions and development partners in mobilising and sourcing for funding and other resources for the realisation of socio-economic rights under this Act; and
- (m) perform such other functions as may be necessary for the implementation of this Act or as may be conferred under any other law.

(2) The county committee shall, in the performance of its functions under subsection (1), decentralize its services to the lowest administrative unit within the county as it shall consider appropriate for the carrying out of its functions under this Act.

(3) The county committee shall —

- (a) be under the control and direction of the county governor in the implementation of their; and
- (b) collaborate with the relevant stakeholders in the carrying out of its functions under subsection

Secretariat to the Committee

60. The county attorney shall designate such officers as he/she may consider necessary to serve as the secretariat to the county committee for the proper and efficient exercise of the functions of the committee under this Act.

Reports of the County Committee

61. (1) The county committee shall submit —

- (i) a quarterly report to the county governor;
- (ii) an annual report to the county assembly within 3 months after the end of the financial year; and
- (iii) submit a copy of the annual report to the Commission within 3 months after the end of the financial year.

(2) A report submitted under subsection (1) shall contain information of the activities of the county committee, timeframe, achievements and its financial records prepared in accordance with the PFM Act, 2012.

PART IV — COUNTY STRATEGIC PLANS FOR THE REALISATION OF ECONOMIC AND SOCIAL RIGHTS

County strategic plans

62. (1) The county executive committee member shall, in consultation with the county committee prepare a county strategic plan for the realisation of economic and social rights of residents within the county.

(2) The county government shall, for the purpose of subsection (1), incorporate within its county integrated development plan prepared pursuant to section 108 of the county governments Act, the county strategic plan.

- (3) The county executive committee member shall set out in its county strategic plan the following information.
- (a) variables and specific actions required to be undertaken for the realisation of economic and social rights within the county integrated development plan of the county government;
 - (b) programmes and projects aimed at the realisation of economic and social rights of residents within the county;
 - (c) programmes and policies aimed at social protection and promotion of economic rights of marginalised groups within the county;
 - (d) objectives that would facilitate the availability, accessibility, acceptability and adaptability of goods and services relevant to the realisation of economic and social rights; and
 - (e) a framework for the implementation of such programmes and projects including timelines, targets and expected outcomes in the realisation of the economic and social rights.
- (4) In preparing a county strategic plan under subsection (1), the county executive committee member shall be guided by the principles of planning and development set out under section 102 of the County Governments Act and shall —
- (a) ensure the collaboration of various departments, agencies and institutions in the county in the implementation of the development plans;
 - (b) allocate sufficient financial and human resources for the realisation of economic and social rights and the implementation of the respective strategic plans for such realisation;
 - (c) adopt strategies and plans that facilitate the realisation of the economic and social rights including improving the availability, accessibility, acceptability and adaptability of goods and services aimed at facilitating the realisation of economic and social rights;
 - (d) adopt plans that respond to the unique needs and issues affecting the county which hamper the realisation of economic and social rights;
 - (e) adopt gender responsive policies and strategies in order to ensure equity in the socio-economic development of residents in the county;

- (f) formulate medium term and long-term strategies and programmes over a five year period and such further periods in the future as the county government shall consider necessary;
- (g) ensure that the strategies and programmes set out in the plans cater for the specific needs of the county and ensure the realisation of economic and social rights amongst the marginalised persons within the county;
- (h) formulate strategic plans that respond effectively to the urgent issues affecting the county including the marginalised persons and those who are vulnerable and afford such safety nets as may be necessary for the realisation of their economic and social rights;
- (i) formulate strategic plans through a participatory process with the residents of the county and in accordance with Part VII; and
- (j) set out, in the strategic plans, such mitigation measures and programmes including the delivery of goods and services at a subsidised rate in order to ensure accessibility of goods and services by all within the county.

Objectives of the County Strategic plans

63. The principle objective of a county strategic plan shall be to ensure that a county government is able to ensure the availability, accessibility, acceptability, adaptability and quality of goods and services necessary for the realisation of economic and social rights as set out under the Constitution.

Preparation of baseline survey

64. (1) The county executive committee member shall, for the purpose of preparing its county strategic plan, carry out a baseline survey in order to determine —

- (a) the existing situation and gaps within the county with regard to the supply of goods and delivery of services aimed at ensuring the realisation of economic and social needs of the residents within the county;
- (b) the areas of priority that require immediate intervention by the county government in the realisation of the economic and social rights of residents within the county;
- (c) the best interventions that would ensure that the gaps identified under paragraph (a) are addressed;

- (d) the financial implications and the resources that would be required to address the gaps;
- (e) the outcomes of previous interventions; and
- (f) the appropriate interventions that should be carried out subsequent to the survey in order to ensure the realisation of economic and social rights of the residents of the county and the expected outcomes.

(2) The County Executive Committee Member shall, in consultation with the County Committee, determine the parameters for the conduct of, and the manner in which the baseline survey under subsection (1) shall be conducted.

Public participation

65. (1) The county executive committee member shall, in preparing its county strategic plans, carry out public participation with the residents of the county.

(2) In carrying out public participation, the county executive committee member shall -

- (a) inform the residents of the county of the intended preparation, by the county government, of the county strategic plan at least three months before such preparation;
- (b) ensure that the residents of the county have access to such information as may be necessary for them to make an informed decision regarding the preparation of the county strategic plan;
- (c) identify the relevant stakeholders representing the relevant sectors and who are directly or indirectly affected by the decisions relating to the preparation and implementation of the county strategic plan;
- (d) take into account the principles of citizen participation set out under section 87 of the County Governments Act;
- (e) hold such forums as the county government shall consider necessary for—
 - (i) the dissemination of information relating to the preparation of the county strategic plan;
 - (ii) receipt of submissions and any petitions from the residents of the county;

- (iii) the clarification or verification of any issues raised by the residents of the county.
- (3) The county executive committee member shall -
 - (a) for the purpose of subsection (1), -
 - (i) use such modalities and platforms for citizen participation that may be established by the county government under section 91 of the county governments Act; and
 - (ii) ensure that adequate notice is issued with regard to the holding of meetings or such forums for public participation; and
 - (b) take into account the submissions made by the residents under subsection (2).

Receipt of grants and donations for the implementation of county strategic plan

66. (1) The county government may, subject to subsection (3), receive a grant or donation for the purpose of implementing its county strategic plan for the realisation of economic and social rights of residents within the county.
- (2) The provisions of section 138 of the Public Finance Management Act shall apply with respect to a grant received under subsection (1).
- (3) The county government shall, prior to the appropriation of the grant or donation under subsection (1) and in addition to the requirements set out under section 138(6) of the Public Finance Management Act—
- (a) undertake an assessment of the gaps that exist within the county in relation to the realisation of the economic and social rights of residents within the county;
 - (b) identify, in consultation with the Commission, the areas under paragraph (a) that require intervention on a priority basis;
 - (c) undertake a costing and analysis on the technical support requirements to ensure that any proposed projects or procurement of services are adequately funded;
 - (d) prepare standards and guidelines that are required to be met for the realisation of the economic or social rights in relation to the activities to which the grant or donation is put to; and

- (e) prepare a report in relation to the utilisation of the grant or donation.

Approval of the County Strategic plans by the County Assembly

67. (1) The county executive committee member shall, within fourteen days of the preparation of the county strategic plan, submit a copy of the plan to the County Assembly for approval.

(2) The county executive committee member shall, once the county strategic plan is approved, circulate and publicise the strategic plan through such means as it considers necessary to the residents of the county within 21 days.

PART V—MONITORING AND EVALUATION

Impact Assessments

68. (1) In formulating and prior to the implementation of a proposal, policy, programme or project that may affect the realization of the socio-economic rights, the relevant county executive committee member shall carry out an impact assessment to identify, predict, evaluate and mitigate economic, social and other effects of such policy, programme or project.

(2) Where any other written law requires the undertaking of an impact assessment prior to the implementation of a project or programme, the county executive committee member shall incorporate in that impact assessment, a human rights impact assessment in the manner prescribed by the county committee under subsection (3).

(3) The county committee shall determine the manner in which impact assessments under subsection (1) shall be undertaken including—

- (a) the screening of any proposal, policy, programme or project;
- (b) the undertaking of scoping exercises and examination of alternatives measures for the achievement of the same objectives;
- (c) the undertaking of the impact analysis;
- (d) the identification and implementation of mitigation measures; and
- (e) the undertaking of public consultation.

Monitoring and Evaluation

69. The county committee shall establish a mechanism for the evaluation of the implementation of socio-economic rights in the county and in particular, the interventions put in place for the realization of such rights by residents in the county.

Guiding principles

70. The county committee shall monitor and evaluate the effectiveness of legislation, policies, strategies and programmes implemented pursuant to this Act and shall, in that process, be guided by the following principles—

- (a) public participation;
- (b) ownership of the process by the implementers;
- (c) result oriented;
- (d) ensure that the information obtained is —
 - (i) focused and feasible;
 - (ii) useful and timely;
 - (iii) useable;
 - (iv) credible and reliable; and
 - (v) ethical

Reports on implementation of economic and social rights

71. (1) The county Committee shall, not later than 30th September every year, submit to the County Assembly, a report on the progress made on the realization of the economic and social rights and in particular, action taken in giving effect to Article 43 of the Constitution.

(2) The County Assembly shall consider the implementation report and cause for action by the relevant entities/agencies.

Budget statements to contain measures of socio economic rights

72. The county executive committee member responsible for finance shall in the budget statement to the county assembly include measures aimed at ensuring the fulfilment of Article 43 of the Constitution rights and activities for that year and any progress achieved at availing these to the residents of the county.

Public Participation

73. (1) The respective county executive committee member shall, in ensuring the realisation of the socio-economic rights specified under Article 43 of the Constitution, put in place mechanisms for the meaningful and effective public participation of the residents of the county in the decision making processes relating to the realization of such rights

(2) In carrying out public participation, respective county executive committee member shall -

- (a) identify the communities and relevant stakeholders representing the relevant sector and who are directly or indirectly affected by the decisions to be made;
 - (b) communicate all relevant information to the residents of the county at the start of the decision making process and at such reasonable times as committee member shall consider appropriate;
 - (c) ensure that adequate resources are set aside for the conduct of effective public participation within the county;
 - (d) hold such forums as are necessary for—
 - (i) receipt of submissions and any petitions from the residents of the county; and
 - (ii) the clarification or verification of any issues raised by the residents of the county;
 - (e) take into account the principles of citizen participation set out under section 87 of the county governments Act;
 - (f) put in place a feedback mechanism to avail information to the resident of the county on decisions taken under this Act;
 - (g) establish a mechanism for the consideration and determination of any disputes that may arise with respect to the enforcement of a right under this Act or the resolution of any conflict that may arise within the county as a result of the enforcement of such rights; and
 - (h) collaborate with the National government where the decision involves the National government or relates to the implementation of national government policies, strategies or programmes.
- (3) The county executive committee member shall—
- (a) for the purpose of subsection (1), -

- (i) use such modalities and platforms for citizen participation that may be established by the county government under section 91 of the county governments Act; and
 - (ii) ensure that adequate notice is issued with regard to the holding of meetings or such forums for public participation; and
- (b) take into account the submissions made by the residents under subsection (2).

Sensitization programme framework

76. The county committee shall, in consultation with the Commission—

- (a) develop and implement public education and awareness programmes on the economic and social rights and the obligations of the county government towards the residents in the realisation of such rights;
- (b) develop and implement a framework for the participation of the residents in the county in the formulation of the county strategic plan of the county; and
- (c) collaborate with the relevant agencies and stakeholders within the county in enhancing the capacity of the residents to effectively participating in the affairs of the county governments in the delivery of goods and services that are aimed towards the realisation of the economic and social rights.