**🏛️ Ethnic Equity and Public Representation Bill, 2025**

*A Bill for an Act of Parliament*

**LONG TITLE**

**A Bill for an Act of Parliament to provide for equitable representation of Kenya’s ethnic communities in public appointments and institutions of governance; to establish standards and mechanisms for ensuring ethnic balance in recruitment, promotion, and political conduct; to protect the public sector from ethnic capture; to promote issue-based politics through regulatory oversight of campaigns; and for connected purposes.**

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## 1. Citation and Commencement

1. This Act may be cited as the **Ethnic Equity and Public Representation Act, 2025**.
2. This Act shall come into force on such date as the Cabinet Secretary may, by notice in the Gazette, appoint, and different dates may be appointed for different provisions.

## 2. Interpretation

In this Act, unless the context otherwise requires—

* **“Cabinet”** means the national executive body established under Article 152 of the Constitution;
* **“CEENI”** means the Centre for Ethnic Equity and National Inclusion established under this Act;
* **“Commission”** means the National Cohesion and Integration Commission (NCIC);
* **“ethnic equity”** means the fair and proportionate inclusion of Kenya’s ethnic groups in public institutions, based on the most recent national population census;
* **“ethnic group”** means a community of persons who share a common ancestry, language, culture, or heritage, and are recognized as such under the Constitution or national census classifications;
* **“ethnic representation index”** means the ratio of a group’s representation in a public institution relative to its national population share;
* **“hate speech”** has the meaning assigned to it under the National Cohesion and Integration Act, and includes any expression that incites ethnic hostility or contempt;
* **“issue-based campaigning”** means political messaging focused on public policies, programs, development agendas, or constitutional values, rather than ethnic identity or tribal allegiance;
* **“marginalized group”** has the meaning assigned to it under Article 260 of the Constitution;
* **“public institution”** means any office, agency, commission, parastatal, department, state corporation, or authority established under national or county government;
* **“relevant appointing authority”** means the person or body responsible for making or approving public appointments under law;
* **“tribal incitement”** means any political speech, campaign message, publication, or conduct intended to stir negative ethnic sentiment, hostility, division, or exclusion.

## 3. Objectives of the Act

The objectives of this Act are to:

1. provide mechanisms for equitable ethnic representation in public service;
2. guide public institutions on ethnic balance in appointments, promotions, and leadership composition;
3. prevent the dominance of any one ethnic group in public institutions and decision-making bodies;
4. promote national cohesion and shared prosperity through inclusive governance;
5. establish the Centre for Ethnic Equity and National Inclusion (CEENI) to monitor, audit, and enforce compliance;
6. protect the Republic from ethnic favoritism as a political tool by regulating political campaign conduct;
7. promote issue-based political competition grounded in policy platforms, not ethnic arithmetic.

## 4. Establishment of the Centre for Ethnic Equity and National Inclusion (CEENI)

1. There is hereby established a body to be known as the **Centre for Ethnic Equity and National Inclusion**, herein referred to as **CEENI**.
2. CEENI shall be a body corporate with perpetual succession and a common seal, and shall in its corporate name be capable of—
3. suing and being sued;
4. taking, purchasing, or otherwise acquiring, holding, charging or disposing of movable and immovable property;
5. borrowing or lending money;
6. entering into contracts; and
7. doing or performing all such other acts as may be necessary for the proper performance of its functions under this Act.
8. CEENI shall be independent and shall not be subject to the direction or control of any person or authority, except as expressly provided under this Act or the Constitution.
9. The headquarters of CEENI shall be in Nairobi, but the Centre may establish regional offices in such other parts of Kenya as the Board may determine.

## 5. Functions and Powers of CEENI

1. The functions of the Centre shall be to:
2. audit and monitor ethnic representation in all public institutions at both national and county levels;
3. publish annual **Ethnic Equity Scorecards**, benchmarking each public body against its population-based ethnic representation obligations;
4. investigate complaints, whistleblower reports, or self-reported data on ethnic imbalance, favoritism, exclusion, or patronage in public service;
5. regulate political campaign conduct by monitoring, documenting, and reporting on the use of tribal incitement, coded hate speech, and ethnic mobilization during electoral periods;
6. collaborate with the NCIC, IEBC, Registrar of Political Parties, and relevant media regulatory bodies to enforce issue-based campaigning, especially during general elections and by-elections;
7. develop and deploy a **Kenya Public Ethnic Inclusion Dashboard (KPEID)** to track in real time the ethnic composition of leadership and staffing in public institutions;
8. collect, analyze, and summarize public feedback on ethnic equity policy through digital platforms, mobile polling, and civic engagement tools, including the use of **natural language processing (NLP)** to identify common themes;
9. provide civic education to the public on ethnic equity, peaceful coexistence, and the role of data in just governance;
10. offer guidance to Parliament, County Assemblies, and other stakeholders on the reform of laws and regulations related to representation, cohesion, and fairness;
11. design and publish a **Campaign Discourse Integrity Index**, measuring political rhetoric by political party or candidate during each election cycle, with rankings published before elections.
12. In carrying out its functions under this Act, the Centre shall have the power to:
13. summon any person or institution to provide documents, explanations, or testimony in relation to ethnic representation matters;
14. recommend the suspension or nullification of public appointments or recruitments that contravene the principles of this Act;
15. issue administrative sanctions, fines, or public warnings against institutions or leaders found in breach of equity thresholds or ethnic incitement regulations;
16. publish official compliance notices and national alerts where ethnic dominance in public service or tribal campaign rhetoric poses a threat to cohesion;
17. create binding codes of conduct, regulations, and policy guidelines to give effect to this Act, subject to public participation.

## 6. Ethnic Equity Representation Formula and Compliance Standards

1. The ethnic composition of public institutions shall reflect the national population distribution as determined by the most recent official census published by the **Kenya National Bureau of Statistics (KNBS)**.
2. No single ethnic group shall occupy more than its **census-based national population share** plus a **buffer of five percentage points**, provided that the total shall not exceed **twenty percent (20%)** of appointments in any single public body, tier, or leadership structure.
3. For purposes of this section, the **Maximum Equity Threshold (MET)** for each ethnic group shall be determined as follows:

MET = min(P\_ethnic + 5%, 20%)

Where:

* P\_ethnic is the national population percentage of the ethnic group as per the latest census;
* +5% accounts for natural merit-based variations;
* 20% is the legal upper cap regardless of population size.

1. A breach of the MET shall constitute **overrepresentation** and may trigger:
2. temporary suspension of new appointments from the overrepresented group;
3. mandatory inclusion of underrepresented groups in the next appointment or promotion cycle;
4. public notice and warning issued by CEENI to the responsible institution;
5. financial sanctions tied to budget disbursements for non-compliant institutions.
6. All public bodies shall submit annual staffing and leadership reports to CEENI for verification and compliance scoring. Failure to comply shall attract sanctions.
7. The Public Service Commission, the Salaries and Remuneration Commission, and all appointing authorities shall align their recruitment processes and shortlisting practices with this formula.

## 7. Enforcement Mechanisms and Legal Sanctions

1. CEENI shall be the principal enforcement body for this Act, with the authority to initiate investigations, conduct audits, and issue administrative actions.
2. A public institution or official found to have willfully:
   1. concealed ethnic identity data;
   2. misrepresented ethnic composition in reports;
   3. violated the Maximum Equity Threshold (MET) without corrective action; or
   4. engaged in tribal favoritism or exclusion in public appointments: - shall be deemed in breach of this Act.
3. Sanctions that may be imposed by CEENI include:
   1. public reprimand or publication of a non-compliance notice;
   2. nullification of irregular appointments;
   3. suspension of affected recruitment processes;
   4. monetary penalties against the institution, not exceeding 2% of its annual operational budget;
   5. referral of individual actors for disciplinary or criminal proceedings under relevant public service, electoral, or criminal laws
4. CEENI shall have power to issue **compliance orders** directing institutions to take corrective action within a specified time frame. Failure to comply shall constitute grounds for escalation to the Attorney General or the High Court.
5. The Auditor-General shall not approve financial statements of any public body that fails to submit an annual **Ethnic Equity Compliance Report** certified by CEENI.
6. Any person who obstructs CEENI, refuses to provide information, or knowingly provides false data commits an offence and shall, upon conviction, be liable to:
7. fine not exceeding five hundred thousand shillings (KES 500,000); or
8. imprisonment for a term not exceeding two years; or
9. both.

## 8. Public Participation and Civic Engagement

1. CEENI shall establish mechanisms to facilitate inclusive, accessible, and continuous public participation in the implementation of this Act, including:
   1. town halls, barazas, and focus group dialogues at national and county levels;
   2. school and university forums to involve young people and student bodies;
   3. partnerships with civil society, religious organizations, and community elders.
2. CEENI shall maintain an open **Digital Participation Platform** and **SMS Gateway** where citizens may:
   1. submit opinions, complaints, or feedback on ethnic representation in public institutions;
   2. vote or express views on national equity issues and implementation progress;
   3. report suspected violations of ethnic inclusion thresholds.
3. CEENI shall employ **natural language processing (NLP)** and AI tools to:
   1. cluster citizen views by theme, sentiment, and policy area;
   2. identify emerging concerns and priorities across different communities;
   3. generate bi-annual public sentiment summaries for policy consideration.
4. An annual **Citizen Equity Feedback Report (CEFR)** shall be published by CEENI, highlighting:
   1. the top five issues raised by citizens;
   2. ethnic or regional disparities in participation and perception;
   3. CEENI’s response or policy adjustment measures.
5. No fees shall be charged for participation or digital submissions under this section, and all participation tools shall be available in **Swahili, English**, and **Kenya Sign Language**, with local language translation where practical.

## 9. Reporting Obligations and Transparency

1. Every public institution shall submit to CEENI an **Annual Ethnic Composition Report**, in a format prescribed by CEENI, detailing:
2. total staff numbers disaggregated by ethnic group and job level;
3. appointments, promotions, and terminations within the year;
4. recruitment advertisements, shortlists, and final selections;
5. leadership positions including board members, directors, and CEOs.
6. CEENI shall review all submitted reports and publish a yearly **National Ethnic Equity Scorecard**, ranking public institutions according to:
7. overall compliance with the Ethnic Equity Representation Formula;
8. trends in hiring and promotion fairness;
9. progress toward corrective actions for previously identified imbalances.
10. All scorecards and audit summaries shall be published on CEENI’s official website, the **Kenya Public Ethnic Inclusion Dashboard (KPEID)**, and made accessible in public libraries, Huduma Centres, and county offices.
11. A **Summary Report** shall be tabled before the National Assembly and Senate every 12 months, outlining:
12. national equity performance by ministry and county;
13. recommendations for legal or administrative reforms;
14. CEENI’s budget utilization, complaints received, and enforcement actions taken.
15. CEENI shall maintain a **Public Appointment Watchlist** identifying positions that are critical to achieving ethnic equity goals, including vacancies in senior government roles.
16. Any person may request access to CEENI data under the Access to Information Act, 2016.

## 10. Miscellaneous and Transitional Provisions

1. This Act shall come into operation **six months** after the date of its publication in the Kenya Gazette.
2. Within the first **three months** after commencement:
3. the President shall appoint an interim **Board of CEENI** through a competitive and inclusive public process;
4. the Public Service Commission shall issue circulars to all ministries and parastatals informing them of the requirements of this Act;
5. the Salaries and Remuneration Commission shall develop incentive schemes for institutions that demonstrate sustained compliance with ethnic equity standards.
6. Existing public institutions shall be granted a **compliance adjustment period** of twelve (12) months from the commencement of this Act to align their ethnic composition with the legal thresholds established herein.
7. Where overrepresentation exists at the time of commencement, institutions shall not make further appointments from the overrepresented group until such time as balance is restored, unless such appointments are constitutionally mandated or required by law.
8. Nothing in this Act shall prevent the appointment or promotion of any person on the basis of merit, provided that aggregate institutional compliance is maintained.
9. In case of conflict between this Act and any other legislation regarding ethnic representation, the provisions of this Act shall prevail to the extent of the inconsistency.

## 11. Consequential Amendments

1. **Amendment to the Political Parties Act**  
   The Political Parties Act is amended by inserting the following new subsection under Section 7:

“(3A) In the registration and renewal of political parties, the Registrar shall consider whether the composition of the party leadership reflects ethnic equity in line with the Maximum Equity Threshold provided for under the Ethnic Equity and Public Representation Act.”

1. **Amendment to the Public Service Commission Act**  
   The Public Service Commission Act is amended by inserting the following new paragraph in the First Schedule:

“Public institutions shall report annually to the Centre for Ethnic Equity and National Inclusion (CEENI) on compliance with ethnic equity guidelines.”

1. **Amendment to the National Cohesion and Integration Act**  
   The National Cohesion and Integration Act is amended by:-
2. Replacing the term **“ethnic diversity”** with **“ethnic equity”** wherever it appears;
3. Assigning monitoring of ethnic inclusion in appointments to the **Centre for Ethnic Equity and National Inclusion (CEENI)**; and
4. Repealing provisions that conflict with the enforcement roles of CEENI under this Act.

## 12. Data Protection and Ethical Use of Identity

1. All data collected by CEENI, including ethnic identity data, shall be subject to the provisions of the **Data Protection Act, 2019**.
2. No individual shall be compelled to self-identify ethnically beyond what is required by census protocols or lawful registration frameworks.
3. Ethnic data shall only be used for institutional audit purposes and shall not be linked to individual performance, benefits, or civil rights.
4. CEENI shall anonymize and encrypt all identity data in compliance with best practices in civic tech, open governance, and ethical AI.
5. Any unauthorized access, misuse, or publication of personal ethnic data shall constitute a criminal offence punishable by law.

## 13. Review and Oversight Mechanism

1. Parliament shall, within **five (5) years** of the commencement of this Act, conduct a comprehensive review of the law’s implementation, effectiveness, and public satisfaction.
2. CEENI shall submit an **Annual Ethnic Equity Performance Report** to:
   * The National Assembly,
   * The Senate,
   * The Commission on Administrative Justice (Office of the Ombudsman), and
   * The Kenya National Commission on Human Rights.
3. This report shall:
   * Detail national and county compliance,
   * Highlight areas of systemic bias or progress,
   * Include public participation feedback summaries,
   * Recommend legislative or administrative reforms.
4. Parliament shall, upon review of the five-year report, table a motion for retention, amendment, or expansion of this Act.
5. CEENI may at any time recommend **interim amendments** based on emerging demographic data, constitutional changes, or significant jurisprudence.

## 14. Whistleblower Protection Clause

1. Any person who reports a violation of ethnic equity requirements — including but not limited to:
   * Overrepresentation of a single ethnic group,
   * Falsified reporting to CEENI,
   * Political interference in institutional appointments,
   * Hate speech or incitement tied to identity—

—shall be entitled to legal protection as a **whistleblower** under the **Whistleblower Protection Act, 2023**.

1. CEENI shall establish a **secure and anonymous digital portal** for filing ethnic equity-related complaints, with options for:
   * Confidential identity,
   * Open reports,
   * Encrypted evidence uploads.
2. No individual shall be dismissed, threatened, harassed, or demoted for making a good faith report under this Act.
3. Institutions found retaliating against whistleblowers shall:
   * Be liable for a fine not less than **KSh 500,000**,
   * Face a 12-month suspension from ethnic equity compliance certification,
   * Have responsible officers held personally accountable.

## Annex A: Institutional Equity Grading Rubric (Scorecard Legend)

Each public institution shall receive an annual **Equity Compliance Grade** based on its adherence to the Ethnic Equity and Public Representation Act.

**🏷️ Grading Categories**

| **Grade** | **Definition** |
| --- | --- |
| **A – Full Compliance** | Institution meets or exceeds equity targets across all leadership and staffing levels. |
| **B – Partial Compliance** | Minor gaps identified; corrective action required within 6 months. |
| **C – Under Review** | Major imbalance in one or more tiers; institution must submit compliance plan. |
| **D – Non-Compliant** | Willful disregard or falsified reporting; subject to sanctions and budgetary penalties. |
| **E – Audit Failure** | Failed to submit required data or obstructed CEENI audit. |

⚠️ **Three consecutive C, D, or E ratings** may trigger a **leadership audit**, loss of budgetary allocation, or referral to Parliament for further action.

## Annex B: - Schedule: Reference Table of Ethnic Group Population Shares (2019 Census)

| **Tribe** | **Population (%)** | **Approx. Numbers** |
| --- | --- | --- |
| Kikuyu | 17.1% | ~8.1 million |
| Luhya | 14.3% | ~6.7 million |
| Kalenjin | 13.4% | ~6.3 million |
| Luo | 10.7% | ~5.0 million |
| Kamba | 9.8% | ~4.6 million |
| Somali | 5.8% | ~2.7 million |
| Kisii | 5.7% | ~2.6 million |
| Mijikenda | 5.3% | ~2.5 million |
| Meru | 4.2% | ~2.0 million |
| Turkana | 2.6% | ~1.2 million |
| Maasai | 2.2% | ~1.0 million |
| Others (30+) | 8.9% | ~4.2 million |

**Note**: This table is for reference purposes only. Official quotas shall be based on the most recent census data gazetted by the **Kenya National Bureau of Statistics (KNBS)**.