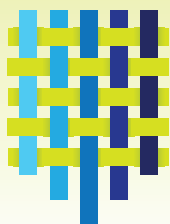


Public Benefit Organisations (PBO) Act 2013



Quest for an
ENABLING ENVIRONMENT FOR
CIVIL SOCIETY ORGANISATIONS IN KENYA



What is the Public Benefit Organisations (PBO) ACT?

This is a new ACT to provide for the formations, operations and growth of Public Benefits Organisations (PBOs); to establish a regulatory and institutional framework within which Public Benefits Organisations can conduct their affairs and for such other connected purposes.

Goal

The Goal of the Public Benefit Organisations Act 2013 is to advance a new legal, regulatory and institutional framework for Public Benefit Organisations (PBOs) in Kenya.

Objectives

- To facilitate the formation and growth of public benefit organisations (PBOs) in order to generally strengthen civil society, promote social welfare and improve the conditions and quality of life for the people of Kenya;
- To encourage public benefit organisations to maintain high standards of governance and management through effective self-regulation;
- To establish an effective regulatory and institutional framework for PBOs;
- To promote compliance by public benefit organisations with their legal and statutory obligations;
- To promote a spirit of co-operation and shared responsibility within government and among donors and other interested persons in their dealings with public benefit organisations.



Key highlights of the PBO ACT

- **Protection of the freedom of association:** The ACT is in line with the Spirit of Article 36 of the constitution which guarantees the freedom of association, which includes the right to form, join or participate in the activities of an association of any kind. The implementation of the **Public Benefits Organisations (PBO) Act** will effectively contribute towards realization of these rights;
- **Basis for the existence of a variety of types of Civil Society Organisations (CSOs):** It allows different types and forms of CSOs doing public benefit work to operate under one single Act - the Public Benefit Organisations (PBO) Act;
- **Framework for collaboration between Government and PBOs:** Section 67 of the Act provides an institutional framework for principled partnership between Government and PBOs including at all levels;
- **Voluntary Self-regulation by PBOs:** Allows the Public Benefit Organisations to determine standards, certifications and adherence to professional code of conduct;
- **Complaints and Redress Mechanism:** Part V provides for the establishment of an independent Disputes Tribunal;
- **Good Governance, Transparency and Accountability of PBOs:** Prescribes minimum provisions to be included in the governing documents of Public Benefit Organisations. The Act also provides for financial transparency and reporting by PBOs;
- **Leadership and Integrity:** It advances and demands good leadership and accountability from PBOs and the Regulator in line with the spirit of Chapter Six of the new constitution on Leadership and Integrity;
- **Establishment of an Independent Registration and Regulation agency:** Sections 34-36 of the PBO Act outlines a rigorous process for the selection of members of the governing body of the PBO Regulatory Authority in line with the provisions of the constitution.
- **Definition of Public Benefit Organisation;** Section 5 of the PBO Act defines a PBO as “a voluntary membership or non-membership group of individuals or organisations, which is autonomous, non partisan, non profit making engaged in public benefit activities”

Participating Organisations

4Cs Trust; ACTI; Action Aid International Kenya (AAIK); Africa Platform for Social protection (APSP); Africa Youth Trust; African Community Development Media (ACDM); African Network for the Prevention and Protection of Child Abuse and Neglect (ANPPCAN); Africog; Aga Khan Foundation (AKF); Akiba Uhaki Foundation; Amref Kenya; Children Legal Action Network (CLAN); Constitution & Reforms Education Consortium (CRECO); Diakonia Sweden – Kenya Country Program ; Diakonie Emergency Aid; East African Association of Grant Makers (EAAG); Elizabeth Glaser Paediatric & Aids Foundation; Federation of Women Lawyers (FIDA); Freedom House; Health NGO Network-HENNET; Independent Medico Legal Unit (IMLU); International Commission of Jurists (ICJ); International Institute for Legislative Affairs (ILA); International Institute of Rural Reconstruction (IIRR); Inter-Religious Council of Kenya (IRCK); Inuka Kenya Trust; Kenya Civil Society Congress; Kenya Climate Change Working Group; Kenya Community Development Trust (KCDF); Kenya Human Rights Commission(KHRC); Kenya Water and Sanitation CSO's Network ; Kenya Water for Health; Kituo cha Sheria ; Kenya Climate Change Working Group (KCCWG).National CBO Council; National Coalition of Human Rights Defenders (NCHRD - K); Oxfam GB; Pambazuko Foundation; Peace & Development Network Trust (PeaceNet); Plan International; The Cradle; The Institute for Social Accountability (TISA); Representatives from the International NGOs Country Directors Group; URAIA; Viwango and Poverty Eradication Network (PEN)-Secretariat.

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