



FOR IMMEDIATE PRESS RELEASE

NAIROBI, Kenya, May 15th, 2024 – Commencement and Implementation of the Public Benefits Organizations Act of 2013.

Members of Civic Freedoms Forum and leaders of national civil society organizations (CSOs) have today convened a strategy meeting to develop a plan of action that will guide the collaboration between CSOs and government towards implementation of priority components of the PBO Act of 2013 which entered into force yesterday, 14th May 2014. It took 11 years and 4 months of struggle and efforts including court actions and dialogue between the civil society organization (CSOs) and the government to realize this milestone. This commencement is an important step forward and demonstrates the commitment of current regime and civic society to a future of an enabling environment and broadened democratic space in Kenya. With this law, the people of Kenya and in particular the CSOs will set a positive example for all of Africa and the world.

As we celebrate this gain, we are alive to the fact that the hard work is just beginning. As the PBO Act is operationalized, the Non-Governmental Organisations Co-ordination Act, 1990, now stands repealed. During this transition phase we must be prepared for the following:

- Automatic transition of all CSOs registered under the repealed law.
- Transition of the NGOs Coordination Board to the PBO Regulatory Authority
- Transition of the NGO Council to Federation of PBOs
- Development and adoption of regulations pursuant to Section 69 of the Act.
- Establishment of PBOs Disputes Tribunal
- Voluntary registration of new CSOs who would like to enjoy benefits under the PBO Act.
- Voluntary Registration of civil society organizations who are currently registered under other regimes but would like to enjoy benefits under the PBO Act.

Other than the publicized self-regulation, PBOs are expected to enjoy an array of benefits including but not limited to:

- a) Indirect government support in the form of
 - exemptions from income tax on income received from membership subscriptions and any donations or grants; income tax on income acquired from the active conduct of income producing activities if the income is wholly used to support the public benefit purposes for which the organization was established.
 - incentives for donations by legal and natural persons.
 - employment tax preferences.
 - special tax incentives for donations to form endowments, prudent investment policies.
- b) Preferential treatment in public procurement procedures and bidding for contracts.



- c) Provision of direct government financing for public benefit organizations that partner with the government, via budget subsidies, grants for specific purposes, and contracts to perform certain work.

In this regard, CFF calls upon the Government in collaboration with CSOs to:

1. **Establish the joint committee** of not more than fifteen members, with shared representation from both sectors (state and CSOs) as envisaged in First Schedule to oversee the transition and other prohibitive laws that constrict enabling environment for PBOs.
2. Consider **extending the term of the current Executive Director** of the NGO Co-ordination Board until the end of the transition period to ensure a seamless process.
3. Facilitate **public education and sensitization on the PBO Act, 2013**.
4. **Assess the 'NGO Council'** through public participation among civil society organizations for legitimacy before transitioning to the PBO Federation.
5. Immediately **review of the Sessional Paper No.1 of 2006** on NGOs
6. Establish **self-regulation forums**.
7. Draft and adopt the **PBO regulations**.

CFF remains committed to providing continuous policy and political support and guidance to implementation of this law and enabling environment for CSOs.

Signed by

ARTICLE 19 Eastern Africa	Initiative for Inclusive Empowerment - IIE
Constitution and Reform Education Consortium - CRECO	Kenya Human Rights Commission - KHRC
Defenders Coalition - National Coalition of Human Rights Defenders	Muslims for Human Rights – MUHURI
Independent Medico-Legal Unit - IMLU	Partnerships 4 Empowerment and Networking in Kenya (PEN Kenya)
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