



PUBLIC BENEFIT ORGANIZATIONS REGULATORY AUTHORITY (PBORA)

JULY 2025

PUBLIC PARTICIPATION ON THE DRAFT PUBLIC BENEFIT ORGANIZATIONS REGULATIONS, 2025

PUBLIC VIEWS FORM

(Pursuant to Public Benefit Organizations Act, 2013)

**Submitted by National-Level Civil Society Organization Networks on
the Draft PBO Regulation 2025**

**Held at Waridi Paradise Hotel and Suites, Nairobi
22nd July 2025 | 12:00 PM – 5:00 PM**

Background and Context

The Public Benefit Organizations Act, enacted in 2013, faced prolonged delays in implementation due to various political and legal impediments. However, its commencement in 2023 marked a significant milestone in the governance of Kenya's civil society sector. The Act aims to streamline and harmonize the regulatory landscape governing charitable entities, superseding the NGO Coordination Act, and integrating entities such as trusts, societies, and foundations engaged in public benefit activities under a single legal framework.

Following the operationalization of the Act, the process of formulating the accompanying regulations commenced to give full effect to the Act's provisions. These regulations are now the subject of broad-based public consultation in keeping with the constitutional and statutory obligation for stakeholder participation.

Purpose of the Public Engagement

The principal objective of the national-level engagement was to facilitate an inclusive and participatory process for the development of the Public Benefit Organizations Regulations, 2025. The public hearing, convened under the auspices of the Public Benefit Organizations Regulatory Authority (PBORA), sought to:

- Solicit informed feedback and proposals from national civil society networks and public benefit organizations;
- Enhance stakeholders' understanding of the PBO Act, 2013 (as operationalized in 2023), including its scope, obligations, and regulatory architecture;

- Encourage robust dialogue on legal, administrative, and institutional matters impacting the third sector.

This forum formed part of the public participation requirements as enshrined under Articles 10, 118, and 232 of the Constitution of Kenya, which demand transparency, inclusiveness, and accountability in governance and law-making processes.

CSO networks Submission

We, the undersigned (ass attached Section A), participating in our capacity as representatives of national-level civil society Organizations networks of organized PBOs, hereby submit this **memorandum of recommendations** to PBORA. These submissions are informed by deliberations, consensus positions, and technical inputs gathered during the aforementioned public hearing.

This memorandum is submitted:

- In accordance with the constitutional obligations of public participation and stakeholder inclusion;
- Pursuant to the provisions of the Public Benefit Organizations Act, 2013;
- And with a view to strengthening the regulatory framework to enable a vibrant, transparent, and accountable civil society sector in Kenya.

The specific recommendations, thematic concerns, and proposed regulatory amendments are outlined in the attached tabulated section below.

Section B: - Views on the draft Public Benefit Organizations Regulations

No.	Regulation (Section & No.)	Comment / Proposed Amendment	Rationale
1	Regs 4, 5, 26 (PART II, VIII)	Reform Registration Fees: • Reduce local PBO fee to KES 10,000–15,000 • INGOs: KES 40,000 → KES 30,000 • Name reservation cap: KES 1,000 (Reg 4) • Annual return fees: KES 2,000 (Reg 26) • Introduce full/partial waivers for groups serving marginalized populations	Current costs are a barrier to grassroots, youth-, women-, and CBO-led groups. Fee reduction promotes inclusion and access.

2	Regs 4, 6, 8, 12 (PART II, III, V)	Affirmative Action Measures: • Tailored support during registration (Regs 8, 12) • Fast-track/streamlined documentation • Subsidies tied to social impact (Reg 6 – Public Benefit Test)	Ensures marginalized populations (women, PWDs, indigenous communities) are prioritized in regulatory design and access.
3	Regs 9, 10, 15 (PART IV)	Recognition of Existing Entities: • Clarify “bestowment” vs. full registration • Allow for dual recognition with Social Development or BRS • Guidance/outreach to existing CBOs/trusts/self-help groups	Addresses confusion among organizations transitioning into PBO framework while preserving legal continuity.
4	Regs 11, 12, 13 (PART V)	Amend INGO Registration Requirements: • Remove mandatory local board member requirement • Introduce due diligence/risk-based flexibility • Offer orientation on Kenyan operating context • Include requirement for partnerships with local indigenous PBOs	Operational flexibility is needed to avoid delays for reputable INGOs and increase international cooperation.
5	Reg 25 (PART VIII)	Economic Activities for Sustainability: • Define allowable income-generating activities • Reinvest proceeds into public benefit work • Prevent commercial misuse of PBO registration	Encourages sustainability while upholding nonprofit integrity and preventing regulatory abuse.
6	Cross-cutting; Reg 6 + New	Improve Tax Exemption Processes: • Establish PBORA–KRA joint processing desk	Delays in tax exemption discourage

	provision under PART VIII	• Publish exemption eligibility/public benefit test guidelines • Provide legal/accounting support	compliance. Coordinated support mechanisms will streamline eligibility processes.
7	Regs 21–24 (PART VII)	Self-Regulation via Forums and Federations: • Keep forum participation voluntary • Provide incentives (technical/financial) • Define minimum standards for forum recognition	Encourages self-regulation without imposing obligations; incentivizes uptake while ensuring standards.
8	Reg 25 + Link to Data Protection Act, 2019	Data Protection Compliance: • Reference to Data Protection Act obligations • Share practical templates for data handling • Require each PBO to designate a data contact person	Protects sensitive data of beneficiaries, especially those in key populations or vulnerable groups (e.g., HIV/AIDS).
9	New provisions under PART IX or new PART XI	Appeals and Whistleblower Protections: • Set clear timelines for appeals (e.g., 30–60 days) • Clarify PBO Tribunal’s mandate/jurisdiction • Create secure whistleblower channels	Builds community trust, enables redress for wrongful suspension, and enhances accountability mechanisms.
10	New Provision under PART I or Miscellaneous	Establish PBO Helpdesk & Digital Portal: • Launch user-friendly online help system for inquiries and updates	Improves accessibility, clarity, and response to common queries and compliance issues.

11	Future Action Item – Not part of current regulations	Convene Post-Revision Validation Forum: • Engage stakeholders in reviewing revised draft before gazettelement	Promotes transparency and ownership of the final regulations.
12	New Provision – Sectoral Implementation Guidelines	Develop Detailed Guidelines for Specific Groups: • Tailored regulatory guidance for CBOs, INGOs, PWDs, Indigenous Groups	Ensures diverse sectors understand and navigate the PBO regulatory framework effectively.

Section A: List of Signatories inclusive of PBORA team present

The forum was attended by a broad and diverse representation of civil society networks and platforms, including but not limited to:

- National PBOs Federation
- ASAL Humanitarian Network (AHN) – 30 members
- Alternative Justice Mashinani – 20 members
- Joybell Medicare Organization – 12 members
- Kenya Network of Grassroots Organizations (KANCO) - 1200
- SAUTI ya Wamama Vijana na Watoto (SAWAVIWA)
- Western Region CSOs Network / Ekirapa Foundation
- Nairobi PBOs Network - 30 members
- Bawargo Relief Organization – 25 members
- Charter4Change Kenya Working Group
- East Africa Climate Change Network – 18 members
- Kenya Universities Students Association (KUSA) – 79 members
- Green Neighborhood Networks (GREENIO)
- Elimu Yetu Coalition (EYC) – 200 members
- Global Peace Network (GBPNET) – 5000 members
- Africa Girl Child Network – 50 members
- PBORA Secretariat (including leadership, compliance, legal and support teams)