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**THE PREVENTION OF TERRORISM
(AMENDMENT) BILL, 2018**

A Bill for

AN ACT of Parliament to amend the Prevention of Terrorism Act; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

1. This Act may be cited as the Prevention of Terrorism (Amendment) Act, 2018.

Short title.

2. Section 2 of the Prevention of Terrorism Act, hereinafter referred to as the “principal Act”, is amended by inserting the following new definitions in their proper alphabetical sequence —

Amendment to section 2 of No. 30 of 2012.

“County Education Board” means the County Education Board established under section 17 of the Basic Education Act;

No.14 of 2013.

“institution administrator” means a person charged with the day to day management of an early childhood education institution, a school of basic education, college or university;

3. The principal Act is amended by inserting the following new sections immediately after section 12D —

Insertion of new sections.

Responsibility of County Education Board. **12E.** (1) The County Education Board shall—

- (a) formulate, in collaboration with the relevant State agencies, and oversee the implementation of county specific programs to counter radicalization;
- (b) ensure that a standardized curriculum is taught in all institutions of learning;
- (c) in relation to persons administering any form of learning to students, carry out the necessary background checks;

- (d) collaborate with the respective county executive committee member in ensuring that publicly available information technology equipment uses web filtering solutions to limit access to terrorist extremist material;
- (e) ensure that publicly owned venues and resources do not provide a platform for dissemination of extremist views; and
- (f) in collaboration with the Cabinet Secretary, the Inspector General of Police and other stakeholders, to design appropriate amnesty programs and regulations, to cater for students who turn back from radicalization.

Duties and responsibilities of institution administrators.

12F. An institution administrator shall

- (a) implement appropriate measures to ensure students are not drawn into radicalization;
- (b) keep an up to date record of all students;
- (c) ensure that all staff in the institution are well trained to recognize vulnerable students likely to be drawn into radicalization;
- (d) implement appropriate intervention measures, including activities to reduce the risk of students being drawn into radicalization; and
- (e) collaborate with the County Commissioner in establishing and implementing a tracking system to monitor and hinder the dissemination of inappropriate

studies and curriculum related to radicalization.

Duties of parents and guardians.

12G. Parents and guardians of students have a responsibility to —

- (a) monitor the activities of the students after school hours and on weekends;
- (b) immediately report to the Inspector General of Police, the County Education Board and the school administrator a case of a missing student where there is reason to believe that such student is likely to be involved in terrorist acts or to have been radicalized;
- (c) familiarize themselves with the intervention measures recommended by the school if a student is deemed to be in danger of being radicalized; and
- (d) collaborate with the school, religious leaders and the county leadership in building strong support networks for students to counter radicalization.

Procedure for reporting a missing student.

12H. (1) A parent or guardian whose child fails to report to school and whose whereabouts are unknown shall —

- (a) conduct a search for the child;
 - (b) immediately notify the institution administrator and the Inspector General of Police of the missing student; and
 - (c) collaborate with the relevant authorities in the search for the child.
- (2) An institution administrator who determines that a student has not reported to school shall —

- (a) inform the parent or guardian of the student of the fact and determine from the parent the whereabouts of the student;
- (b) immediately inform the Inspector General of Police and the County Education Board of the missing student; and
- (c) collaborate with the parent, the Inspector General of Police in tracing the student.

(3) Where a child who is reported missing under this section is found and it is determined that the child has undergone the process of radicalisation, the parent or guardian in collaboration with the County Education Board and the Inspector General of Police shall, in addition to such action as they may consider necessary —

- (a) rehabilitate the child;
- (b) carry out investigation to determine if any other child within the respective school has been subjected to radicalisation or been subjected to extremist material or information; and
- (c) where necessary put in place measures to curb access to extremist material or information within the respective school.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons for the Bill

The principal object of this Bill is to amend the Prevention of Terrorism Act to provide for the duty of institution administrators to counter radicalization. Part II of the Fourth Schedule to the Constitution assigns the function of Pre-primary education to County governments.

The Bill in amending the Prevention of Terrorism Act seeks to ensure that all institution administrators are mandated and charged with the duty of ensuring measures is put in place in their respective institutions to prevent radicalization and violent extremism. This is by building the resilience of learners through sensitization, building strong support and care networks for students, working with key institutions to counter ideological challenges associated with terrorism.

Under the Bill, the schools administrators will be required to keep and update records of all their students ensure teachers are sensitized to detect extremism behaviour in students and collaborate with key stakeholders in countering radicalization.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not delegate legislative powers nor does it limit the fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The Bill is expected to ensure that institutions administrators are tasked in ensuring the safety of learners. In addition, the institution administrator will be held liable for radicalization of learners under their care. The provision of pre-primary education is a function that falls within the ambit of county governments as specified under Part 2 of the Fourth Schedule to the Constitution.

The Bill is therefore a Bill concerning county governments in terms of Article 110 (1) (a) of the Constitution.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

This Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 5th June, 2018.

NAOMI WAQO,
Senator.