



EQUALITY BULLETIN

FROM CRIME TO CARE

NGEC champions the repeal of colonial-era law that punished distress, urging Parliament to prioritise dignity, health and humane justice

Kenya stands at the cusp of a legal and social transformation as Parliament prepares to strip a colonial-era provision from the statute books — a law that historically treated people in crisis as criminals rather than human beings in need of care. The National Gender and Equality Commission (NGEC) has publicly supported the repeal of Section 226 of the Penal Code, a provision that formerly made attempted suicide a crime punishable by up to two years’ imprisonment or a fine. In submissions to the National Assembly’s Justice and Legal Affairs Committee, NGEC argued for full decriminalisation and a shift to a mental health-based response, underlining that criminal law must never be the entry point to healthcare.

The Penal Code (Amendment) Bill, 2024 — sponsored in the National Assembly and debated by the Justice and Legal Affairs Committee — seeks to delete the offending provision and replace a punitive paradigm with one framed around mental-health interventions. Committee chair Hon. Gitonga Murugara noted in the committee’s report that the Bill is progressive, humane and constitutionally aligned. The report also recorded that only a few memoranda from public stakeholders were formally received during the hearings, among them major legal and rights organisations. **Page 6**

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A Message from the Chief Executive Officer

As we usher in the first edition of 2026, the National Gender and Equality Commission (NGEC) remains steadfast in its commitment to advancing human rights, equality, and inclusive development across Kenya.

This year, our focus continues on issues that define the very measure of our society: how we care for those in mental distress, how we ensure that all children can access education, and how institutions respond to the needs of the most vulnerable. We have advocated for the decriminalisation of attempted suicide, emphasising that healthcare, not criminal law, must be the first response to those in crisis. Similarly, recent events highlighting barriers to inclusive education have reminded us that true equality requires action, not just policy.

The Commission remains committed to strengthening systems, partnerships, and public awareness that translate rights into lived realities. Our work is guided by data, evidence, and the voices of those most affected, because equality and dignity are not optional – they are the foundation of a fair society.

As we move forward, NGEC will continue to push boundaries, engage communities, and work collaboratively with institutions to ensure they fulfil their constitutional obligations. Together, we can build a Kenya where rights are respected, inclusion is tangible, and every individual can thrive free from fear, discrimination, or exclusion.



Purity Ngina, PhD, MBS
Chief Executive Officer
National Gender and Equality Commission

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Where Care Meets Courage: A New Front Opens in the Fight for Women’s Health and Dignity

NGEC and global health partners align on healthcare access, anti-FGM action and data-driven justice for Kenya’s most vulnerable

NAIROBI — In a country where inequality is often felt most sharply in hospital corridors and community clinics, a high-level engagement at the National Gender and Equality Commission (NGEC) marked a decisive step toward bridging the gap between policy and lived reality.

The Commission convened representatives from Fit For Future Kenya, Future for Kenya Trust, and DeckerMed Africa Trust, including Brian C. Decker, Chairperson of DeckerMed Africa Trust, and Esther Baranga, Director of Development, for in-depth deliberations on strengthening collaboration to advance gender equality, inclusion and equitable access to healthcare.

Led by NGEC Chief Executive Officer Dr. Purity Ngina, the meeting brought into focus a shared priority: ensuring that Kenya’s most vulnerable populations — women, children, persons with disabilities, older persons and marginalised communities — are not left behind in health systems, justice processes or national development.

At the centre of the discussions was



NGEC CEO Dr. Purity Ngina with Brian C. Decker, Chairperson of DeckerMed Africa Trust, and Esther Baranga, Director of Development.

the persistent inequity in access to quality healthcare for Special Interest Groups (SIGs).

Despite policy commitments and legal safeguards, structural barriers — including poverty, distance, stigma and limited specialised services — continue to deny many communities timely and dignified care.

Leaders acknowledged that healthcare inequality is not merely a service delivery issue, but a governance challenge that demands coordinated action across sectors. Strengthening partnerships between public institutions and specialised organisations, they noted, is essential to closing gaps in preventive care, early diagnosis and treatment.

A major focus of the engagement was Female Genital Mutilation (FGM) — a harmful practice whose physical, psychological and social consequences continue to affect generations of girls and women. The Commission and partner organisations reaffirmed a shared commitment to intensifying public awareness on the ~

lifelong effects of FGM, while advancing community-based prevention strategies that reflect local realities. Leaders emphasised that sustainable change requires more than condemnation; it requires culturally informed dialogue, trusted community voices and survivor-centred interventions.

By grounding prevention efforts in evidence and lived experience, the partners aim to disrupt cycles of silence and normalisation that have allowed the practice to persist despite legal prohibition.

Recognising that good intentions must be matched by measurable outcomes, the meeting placed strong emphasis on research and data-driven solutions. Leaders examined how robust data can identify service gaps, inform policy reform and ensure programmes are responsive to the actual needs of Special Interest Groups.

Translating dialogue into action, the Commission and partner organisations confirmed plans to co-host a medical camp in February, designed to deliver direct, life-saving services to women.

Where Borders Bleed, Women Bear the Cost: Lamu Confronts Insecurity and Gender Violence

Lamu leaders confront the hidden toll of insecurity as county moves to anchor gender justice in law and governance

In Kenya’s coastal borderlands, insecurity leaves scars that extend far beyond physical violence. In Lamu County, it has taken a quieter but equally devastating form — exposing women and girls to heightened risks of sexual and gender-based violence, weakening protection systems and silencing survivors.

It is against this backdrop that the National Gender and Equality Commission (NGEC), through its Malindi Regional Office, convened a high-level policy dialogue in partnership with Muslim Women Advancement of Rights and Protection (MWARP), bringing together Members of the County Assembly

and select State officers from Lamu County. The engagement was a deliberate attempt to shift the conversation from reaction to prevention, and from isolated interventions to systemic reform.

At the centre of the dialogue were findings from the Amani Mpakani Initiative (2025), a five-month programme implemented in Lamu East Sub-County. The evidence presented laid bare the link between persistent insecurity in border regions and the escalation of sexual and gender-based violence.



Beatrice Zighe of the NGEC Malindi Regional Office (right) joins participants for a group photo during the high-level policy dialogue

Recognising the central role of county governments in reversing this trend, the Commission facilitated an in-depth session on Gender Equality and Social Inclusion, aimed at strengthening the capacity of MCAs to embed gender-responsive planning, budgeting and participatory decision-making into county governance.

Championing Equality: Kenyan Leaders Forge Global Alliance for Women's Rights

Commission CEO and President's Advisor Strategize Bold Moves for Gender Inclusion at International Stage



NGEC CEO Dr. Purity Ngina during a high-level strategic meeting with the President's Women's Rights Advisor, Harriette Chiggai

In a decisive stride towards strengthening Kenya's commitment to gender equality, the National Gender and Equality Commission (NGEC) CEO, Purity Ngina, held a high-level strategic meeting with the President's Women's Rights Advisor, Harriette Chiggai, yesterday. The discussions, marked by urgency and a shared vision, centered on fortifying collaboration on women's empowerment initiatives and preparing Kenya's impactful presence at the forthcoming Commission on the Status of Women (CSW) session in New York later this year.

At the meeting, held in Nairobi, Ngina and Chiggai explored key areas of mutual interest aimed at amplifying women's voices in policy and governance. Among the top priorities was the co-hosting of a high-level side event at CSW 2026, a premier international platform where nations convene to review progress, challenges, and strategies for advancing women's rights globally.

"The discussions reflect a shared commitment to ensure that Kenya's experiences, innovations, and challenges in gender equality are not only visible but

influential on the international stage," said CEO Ngina.

"We are determined to leverage this platform to push for actionable solutions, particularly around inclusion, economic empowerment, and protection of women's rights."

The CSW, scheduled for March 2026 at the United Nations headquarters, brings together government leaders, civil society, and private sector partners to deliberate on pressing issues affecting women worldwide. Kenya's proactive engagement, as envisaged by Ngina and Chiggai, aims to spotlight initiatives such as women's economic empowerment programs, gender-responsive policy frameworks, and inclusion strategies for marginalized groups, including women with disabilities and rural women.

Harriette Chiggai emphasized the ~

importance of coordinated action between the Presidency and constitutional bodies like NGEC.

"Kenya has made remarkable strides in women's rights domestically, but translating these achievements into influence on the global stage requires strategic partnerships and careful planning," she noted.

Both Ngina and Chiggai expressed optimism that the upcoming side event at CSW will serve as a springboard for enhanced multi-sectoral collaboration. Discussions included identifying priority thematic areas, potential panelists, and strategies to engage both governmental and non-governmental actors for maximum impact.

By strategically positioning Kenya on the global stage, the leadership aims to ensure that gender equality is not only an aspiration but a measurable reality.

Power to the People: Counties Rewrite the Rules of Equality

NGEC and County Assemblies Forum forge a strategic alliance to embed dignity, evidence and inclusion at the heart of devolved governance



NGEC Vice Chairperson Thomas Koyier, Commissioner Nzomo Mbithuka and CEO Dr. Purity Ngina with County Assemblies Forum (CAF) Chairperson Hon. Seth Kamanza pose for a group photo during a courtesy call

NAIROBI — More than a decade after devolution reshaped Kenya’s governance architecture, the true measure of county government is increasingly clear: not merely how services are delivered, but whose lives are transformed in the process. It is against this backdrop that the National Gender and Equality Commission (NGEC) hosted the County Assemblies Forum (CAF), led by Chairperson Hon. Seth Kamanza, for a substantive engagement aimed at strengthening collaboration to advance equality, dignity and inclusive development across Kenya’s 47 counties.

The meeting brought together institutional leaders united by a common imperative — ensuring that devolved governance translates constitutional guarantees into tangible outcomes for Special Interest Groups, including women, persons with disabilities, youth, older persons and marginalised communities.

County assemblies sit at the centre of Kenya’s devolved system, exercising authority over legislation, budgeting and oversight. For millions of Kenyans, especially those historically excluded from power, decisions made in county chambers directly shape access to health care, education, livelihoods and social protection.

Discussions during the engagement underscored that devolution is not a neutral administrative arrangement; it is a human rights project. When county laws and budgets fail to account for inequality, they risk entrenching exclusion. When designed intentionally, they become powerful tools for redressing historical disadvantage.

NGEC emphasised that counties remain the most immediate and consequential arena for advancing equality, making partnership with county assemblies both strategic and necessary.

A central focus of the dialogue was the need to strengthen evidence-informed policymaking at the county level. Leaders acknowledged that legislation driven by political expediency, rather than data, often fails to address real needs or reach the most vulnerable.

NGEC and the County Assemblies Forum explored mechanisms for embedding research, gender analysis and disaggregated data into legislative and budgetary processes. Such an approach enables county governments to identify gaps, prioritise resources and measure impact with greater precision.

By grounding policy choices in evidence, leaders noted, counties can move from symbolic commitments to

measurable progress on equality and inclusion.

The engagement paid particular attention to the lived realities of Special Interest Groups whose needs are often overlooked in county planning. Women continue to face economic and political barriers; persons with disabilities encounter inaccessible infrastructure and services; youth grapple with unemployment and exclusion; older persons face neglect; and marginalised communities remain underrepresented in decision-making.

NGEC stressed that inclusive county governance requires more than representation — it demands laws, budgets and oversight mechanisms that are responsive to these intersecting vulnerabilities.

County assemblies, the Commission noted, have a critical responsibility to interrogate how proposed legislation and expenditures affect different population groups, and to ensure that no community is rendered invisible by policy design.

Recognising the complexity of this task, NGEC reaffirmed its commitment to targeted capacity-building for Members of County Assemblies (MCAs). Planned training programmes will focus on gender-responsive legislation and budgeting, equipping legislators with practical tools to integrate equality considerations into their core mandates.

Such capacity-building, leaders observed, strengthens not only policy outcomes but also institutional credibility, enabling MCAs to exercise oversight with a sharper understanding of constitutional obligations.

The discussions took place as the County Assemblies Forum prepares to convene the inaugural Women Legislators Conference, a milestone for women’s leadership within devolved governance.



NGEC and County Assemblies Forum (CAF) leadership during a courtesy call

NGEC welcomed the initiative as a critical platform for building solidarity, sharing best practices and amplifying women’s voices in legislative spaces. Evidence from across governance systems shows that women’s leadership often correlates with more inclusive policy priorities, particularly in social services, equity and community development.

Strengthening women’s legislative leadership, NGEC noted, is not simply about numbers — it is about transforming how power is exercised at the county level.

The First-of-Its-Kind NGEC Report on Girls' Education Calls for Action



Left to right: Commissioner Dr. Margaret Karungaru, Caroline N. Lentupuru, Chairperson Hon. Rehema Jaldesa, Dr. Elyas Abdi Jillaow, Director General, Ministry of Education, and Vice Chairperson Thomas Koyier during the launch

The first-of-its-kind report by the National Gender and Equality Commission (NGEC) on girls' education, launched last year, is redefining the national dialogue on learning opportunities for marginalized communities. Titled *Evidence on School-Level Factors Affecting Girls' Access to Quality Education in Marginalised Communities in Kenya*, the study systematically examines the school-level determinants of girls' educational outcomes, exploring governance, retention, school environments, health, safety, and socio-cultural dynamics. By integrating school data, community perspectives, and policy analysis, the research identifies systemic barriers and actionable opportunities to improve access, quality, and equity in education.

During the launch at Sarova Stanley, Nairobi, Dr. Elyas Abdi Jillaow, Director General in the Ministry of Education, delivered the keynote on behalf of Cabinet Secretary Hon. Julius Ogamba. He welcomed NGEC's commitment to education, noting the Commission's persistent calls to safeguard capitation, highlight risks from delayed funding, and address sexual harassment in schools. Dr. Elyas affirmed that these calls for accountability strengthen the Ministry's reform agenda and support ongoing efforts to make education inclusive and responsive to the most vulnerable learners.

Highlighting the Ministry's response to the report, Dr. Elyas emphasized the need to strengthen leadership and governance in education. He committed to working with county education boards to roll out structured gender-responsive leadership training, reinforce adherence to gender representation standards in Boards of

Management and Parent Teacher Associations, and integrate gender markers into school improvement plans.

He also reaffirmed the Ministry's nationwide rollout of the ongoing pilot on value-based education, which seeks to instill character, citizenship, and responsibility among learners while shaping school culture and community engagement.

Addressing access, transition, and retention, Dr. Elyas noted that the School Re-entry Guidelines remain central to protecting the futures of pregnant and parenting learners, and that their enforcement will be strengthened.

The Ministry plans to expand targeted bursaries for learners at risk of dropping out, improve school infrastructure including water and lighting solutions, and scale flexible learning pathways, including community-based learning points, to ensure continued education without stigma or retraumatization.

The report also highlighted gaps in health, WASH, and school safety, including disability inclusion, menstrual hygiene, and exposure to gender-based violence.

Dr. Elyas stated that, in coordination with the Ministry of Health, the Ministry of Education will prioritize investments in sanitation facilities, provide sustainable menstrual hygiene support, and conduct periodic School Health Compliance Reviews.

These measures will feed into sector-wide planning and NGEC reporting, ensuring that learner well-being, safety, and dignity are recognized as fundamental obligations rather than optional components of school management.

Harmful social and cultural practices, including early marriage, school-related gender-based violence, and limited adolescent sexual and reproductive health education, remain significant barriers.

Dr. Elyas highlighted plans to scale structured life skills education within the Competency-Based Curriculum, strengthen referral pathways for learners affected by violence, and engage communities, including elders, faith leaders, women's groups, and youth advocates, to shift norms that restrict girls' autonomy and aspirations. He stressed the importance of schools having simple guidelines to detect, report, and prevent repeated incidents of violence, reinforcing the protections afforded under the Children Act 2022, the Prohibition of Female Genital Mutilation Act 2011, and the National Policy on the Elimination of Child Labour.

The launch also drew attention to the link between education and clean energy access. Dr. Elyas observed that reliable renewable energy in schools and households not only reduces domestic labour burdens on children but also improves safety, expands digital learning opportunities, and strengthens overall equity in educational outcomes. The Ministry, in partnership with the Ministries of Energy and Environment and Forestry, is committed to supporting initiatives that integrate green energy solutions into schools as part of Kenya's broader green transition agenda.

Dr. Elyas concluded by noting the importance of NGEC's four-year national gender research agenda, which provides a framework for evidence generation that will guide government investments, shape targeted interventions, and strengthen accountability under Vision 2030 and the Medium Term Plan. He emphasized that the launch is more than a publication event; it is a call to design policy, allocate resources strategically, and respond effectively to the lived realities of girls and vulnerable populations across Kenya. He congratulated NGEC for its leadership in evidence-driven planning and reaffirmed the Ministry's commitment to ensuring that every girl learns in safety, thrives, and steps confidently into the future.

» CONTINUATION

From Punishment to Care: Kenya Moves to Decriminalise Suicide and Substance Use

NGEC and allies push for progressive legal reform, prioritising dignity, mental health, and life over incarceration



Photo credit: Nano Banana PRO

In a landmark progression of legal and human rights reform, Kenya stands poised to eliminate a colonial-era provision that punished individuals for attempting to take their own lives — a provision that, until now, placed suffering behind bars rather than placing survivors into care. This shift — championed by Parliament, human rights advocates and the National Gender and Equality Commission (NGEC) — reframes suicide attempts from a criminal act to a health-centered public concern, marking a profound change in how the nation approaches mental wellbeing.



Hon. George Gitonga Murugara, Chairperson of the National Assembly Justice and Legal Affairs Committee.

For decades, Section 226 of the Penal Code treated an attempt on one's own life as a misdemeanour punishable by up to two years' imprisonment, fines, or both. The crux of the shift — encapsulated in the Penal Code (Amendment) Bill, 2024 — would repeal this punitive statute entirely, replacing it with a compassionate, constitutionally aligned framework that recognises mental distress as a health issue deserving of care, not censure.

In its report to the National Assembly, the Justice and Legal Affairs Committee, chaired by Gitonga Murugara, confirmed that the Bill has garnered broad support and reflects a humane, progressive approach to mental health and human dignity. Under existing law, anyone found to have attempted suicide has historically faced a criminal charge — a practice increasingly seen as counter-productive and harmful to the very individuals it affects.

“Section 226 as read with section 36 of the Penal Code provides that any person who attempts to kill himself is guilty of a misdemeanour... punishable with imprisonment ... or fine,” Mr Murugara noted in his report to the House.

But those days may soon be over. A new legislative direction, backed by legal experts and civil society, seeks to anchor Kenya's response in dignity and health, not stigma and jail cells.

The Penal Code (Amendment) Bill has drawn contributions from a spectrum of stakeholders, including law firms, advocacy bodies and human rights institutions. Four major submissions in support came from Anjarwalla & Khanna LLP, the Law Society of Kenya, Outreach for Action Kenya — and critically, the National Gender and Equality Commission.

In its submission, the NGEC supported the Bill in its entirety and

anchored its argument in constitutional rights — pointing out that the High Court had already declared Section 226 unconstitutional for violating rights to dignity, equality and the highest attainable standard of health.

The Commission also urged Parliament to expand its focus, recommending the decriminalisation of narcotic drug use and substance abuse — pointing to sections of the Narcotic Drugs and Psychotropic Substances (Control) Act that similarly punish health-related conditions with criminal sanctions. “Instead, such people, who are mostly youth, need medical intervention, not incarceration,” the NGEC noted.



NGEC Chairperson Hon. Rehema Jaldesa

The legislative push aligns with a landmark High Court ruling in 2025, which found that criminalising attempted suicide offended multiple constitutional protections, including the rights to equality (Article 27), human dignity (Article 28) and health (Article 43). In that judgment, the court said punishing someone for a mental health crisis — effectively revictimising already vulnerable people — was unconstitutional and perpetuated stigma.

Unlike criminal law, mental health policy — as reflected in the Mental Health Act — recognises suicidal behaviour as part of a broader health condition requiring treatment rather than punishment. The Justice Committee's report echoes this principle and emphasises the need for robust health infrastructure to respond effectively to crises

While decriminalisation is a monumental step, experts caution that it must be accompanied by substantive investment in mental health services at both national and county levels. The Bill's alignment with Section 2C of the Mental Health Act underscores this, obligating government to build the physical and digital infrastructure necessary for care, rehabilitation and ongoing support for persons with mental illness — including those with suicidal ideations or behaviours.

Opening Doors, Changing Lives: Lenana School Commits to Inclusion for Every Learner

Allegation of turning away a learner with a disability puts the spotlight on realising inclusive education as CBC senior school implementation begins



The National Gender and Equality Commission (NGEC) team with Lenana School Principal William Kemei and student

An allegation that a learner with a disability was turned away on reporting day at Lenana School has ignited a national conversation about what inclusion really means in Kenya's schools. What seemed like an isolated incident quickly became a test of the country's commitment to its constitutional promise of quality education for every child. The National Gender and Equality Commission (NGEC) responded swiftly with a fact-finding visit, drawing school leadership, parents, legal team and partners into a complex dialogue about rights, resources, and readiness.

At a time when the education sector is gearing up to implement Senior School Education under the Competency-Based Curriculum (CBC) starting January 2026 — reshaping secondary education into a more pathways-oriented and learner-centred model — the Lenana episode has thrown into sharp relief the distance between policy ideals and classroom realities.

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Inclusive education is not simply a phrase on a policy page; it is a lived experience for learners who, every day, must navigate physical, social and instructional barriers to learn alongside their peers. At its essence, inclusive education insists that every child — regardless of ability, background or circumstance — belongs and thrives in mainstream classrooms. This requires not just access, but support, dignity, and genuine participation.

During the NGEC's fact-finding mission, the Commission engaged with school leadership, teachers, parents and learners. The process was marked by transparency and willingness to engage, with the Commission thanking the Lenana School community for their cooperation. School Principal William Kemei publicly reaffirmed Lenana's commitment to being "a safe, respectful and welcoming space for every child," a declaration that carried both reassurance and challenge. It underscored that inclusion is not only institutional policy but lived culture — and culture must be cultivated every day.

The Lenana School incident unfolds against the backdrop of one of the most sweeping reforms in Kenya's education history: the rollout of

Senior School Education under the CBC framework. Beginning in January 2026, Grade 9 learners will transition into Senior School (Grades 10–12), a stage designed to deepen learner competencies, align education with real-world pathways, and prepare young people for tertiary education, further training, and the world of work.

For learners with disabilities, these preparations must go beyond physical spaces. They demand adapting curricula and learning support that recognises diverse abilities, offers appropriate accommodations, and fosters genuine participation. The Ministry's Implementation Guidelines for the Sector Policy on Learners and Trainees with Disabilities emphasise differentiated curricula, adapted assessments, teacher training, and the use of alternative communication modes such as sign language and Braille.

Yet implementation remains uneven. While policy frameworks affirm equitable access and differentiated support, on-the-ground realities in many schools reflect gaps in teacher preparedness, accessible infrastructures, and tailored learning support. These gaps demand urgent attention.

The Lenana incident, and the broader transition to Senior School Education, remind us that inclusive education cannot be achieved by schools in isolation. It requires a collective national effort — from policymakers and administrators to teachers, parents, and communities.

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