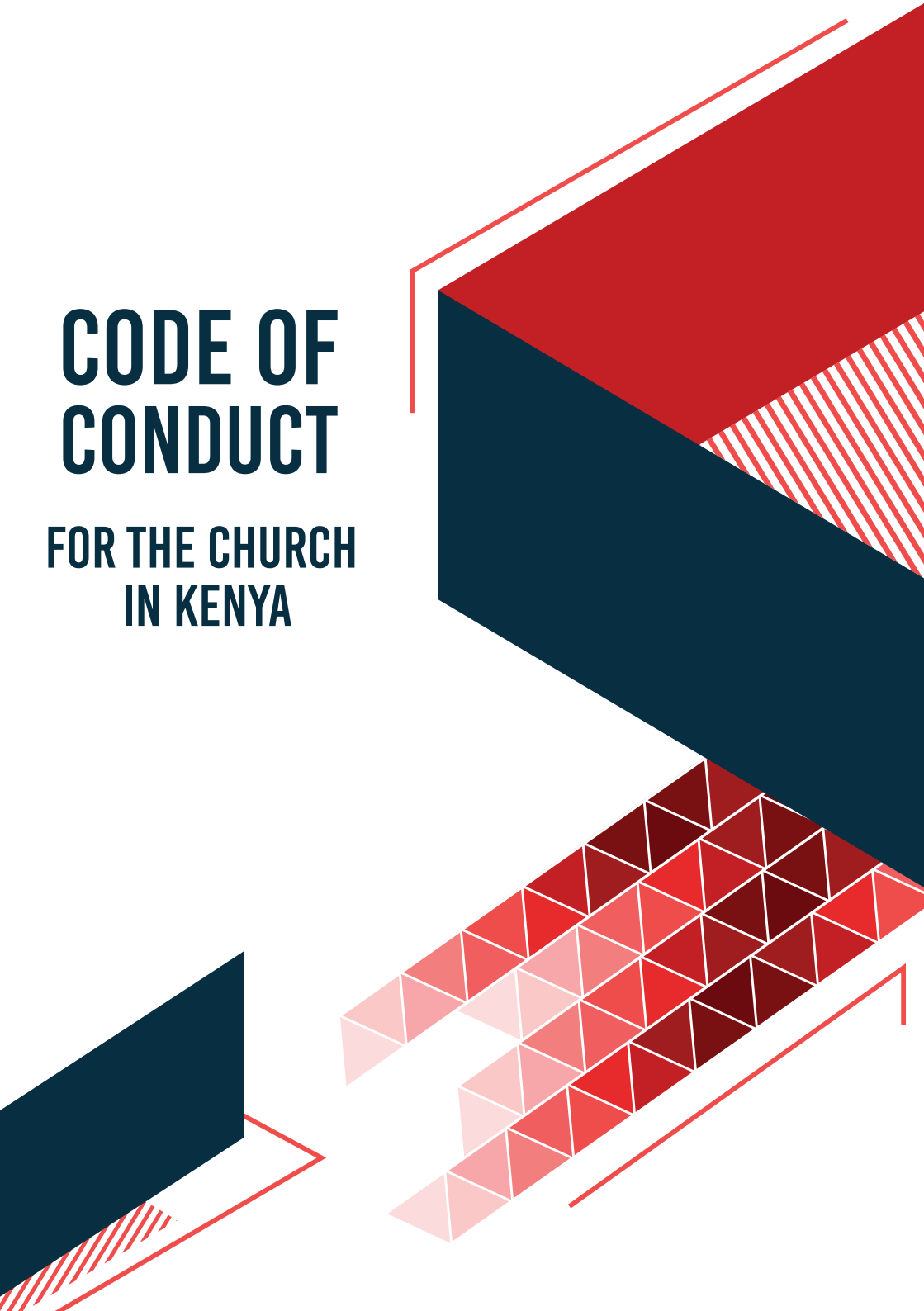


# CODE OF CONDUCT

FOR THE CHURCH  
IN KENYA





# **CODE OF CONDUCT FOR THE CHURCH IN KENYA**

**Hesabika Trust**

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# CODE OF CONDUCT FOR THE CHURCH IN KENYA

## FOREWORD

The religious sector in Kenya is already regulated under various laws including the Societies Act (Cap 108), the Marriage Act 2014, the Trustees (Perpetual Succession) Act, and the Companies Act 2015. Chapter six of the Constitution of Kenya, 2010 provides for Church leadership and integrity that is required of all leaders including those in Church leadership. Additionally, criminal behaviour for any individual or society is covered by sanctions under the Penal Code Cap 63. Regardless, the Government of Kenya has from time to time indicated that it will put into place further regulation, for example the Religious Societies Regulations 2015 by the Office of the Attorney General.

Pursuant to the above-mentioned regulations, the National Council of Churches in Kenya (NCCK) made several proposals with regard to regulation of religious institutions in Kenya, including:

1. Creating a legal framework for religious societies separate from the Societies Act and other societies in which every religious institution has internal self-regulatory mechanisms.
2. Establish within the law a registrar of religious societies and define the functions through sectoral consensus.
3. Transfer other religious functions like marriages to the said registrar of religious societies.
4. Consider establishment of a religious societies' commission, a body fully formed by the religious societies to support the sector, promote religious freedom and manage inter-religious issues
5. Establish a viable and funded shared regulatory function between the commission and umbrella institutions.

On its part, and in line with NCKC proposals, the Evangelical Alliance of Kenya (EAK) drafted a Religious Freedom Bill in 2016 seeking the establishment of Kenya Religious Freedom Commission, whose function would include the promotion of religious freedom in the Republic of Kenya. The Commission would include representatives from the Muslim Council, Hindu Council, the Church Councils (comprising EAK, NCKC, Kenya Conference of Catholic Bishops (KCCB)), and any other duly registered Christian umbrella body).

In August 2018, the Attorney General published a Draft of Association Bill 2018 which was intended to replace the Societies Act (Cap 108). The objects of the Association Bill were to include a framework for the registration, incorporation, and regulation of associations; promote corporate governance of associations registered under the Act; and provide mechanism for the resolution of disputes relating to the associations. The bill proposed the appointment of a Registrar of Associations to implement policies and keep and maintain a register of the associations.

These initiatives and proposals reveal a desire by various stakeholders for a governance and regulatory framework that better protects and enhances the freedom of religion guaranteed by the constitution. In line with this, Church leaders have been engaged in an all-inclusive effort to come up with a Code of conduct that would help strengthen the Church's stewardship of these freedoms and safeguard them from both internal and external threats. This Code of Conduct is, therefore, a product of consultation with Christian Church leaders from all Christian persuasions, and conscious efforts have been made to ensure inclusion of as many proposals as possible, and to provide a solution to this critical need of the moment.

**Joshua Wathanga, DBA, MIOD, MKIM**

Chair, HESABIKA TRUST

15 June 2023

## ACKNOWLEDGEMENTS

This Code of Conduct and Governance Guidelines for the Church in Kenya is the first effort of its kind. Whereas the various church umbrella bodies, denominations, and several individual churches have their own governance documents, we have not previously developed a document that unites us in matters of ethics and governance. No doubt, the need for a Code of Conduct for Churches in Kenya has become more urgent over the years, particularly for at least two reasons. First, the Church as the salt and light of society needs to model good governance and accountability, even as we demand the same from political and government leaders. Second, as we ask the government to allow the Church to self-regulate, we need to demonstrate that we can do this effectively and objectively.

Driven by these twin concerns, about 250 church leaders held an inaugural meeting on 12 February 2018, requested Hesabika Trust to help develop a Code of Conduct and Governance Guidelines. Hesabika Trust, in furtherance of its fifth strategic priority of, "Serving the Church in its Prophetic Role to the Nation", put together a team of church leaders (clergy, elders and deacons) who were also governance professionals. The team of about 20 professionals (as listed in the Annex) worked on various sections of the Governance Guidelines on behalf of the many other churches that may not have been represented at that inaugural meeting.

The Code of Conduct Steering Committee wishes to thank Hesabika Trust for all the support in developing the Code of Conduct and Governance Guidelines for the Church in Kenya. In addition to the technical team named in the Annexes, we wish to especially thank Senior Counsel Charles Kanjama for offering not only his personal services, but also of his law firm, Muma & Kanjama Advocates. SC Kanjama worked with other Christian lawyers such as Bernice Gachegu, Peter Gachuhi, Joy Mdivo, in supporting the Steering Committee to fine tune this Code of Conduct.

Finally, I would wish to thank my fellow Steering Committee members, a team of 12 men and women who have given their precious time over the last five years to pray, consult, and work hard at developing this Code of Conduct. These include:

1. **Bishop Kepha Nyamweya Omae** – Redeemed Gospel Church, Inc., Chairman of the Kenya Council of Church Alliances and Ministries (KCCAM)
2. **Canon Chris Kinyanjui** – General Secretary, National Council of Churches of Kenya (NCCK)
3. **Rev Dr Nelson Makanda** – General Secretary, Evangelical Alliance of Kenya (EAK)
4. **Bishop Joseph Moilo** – Secretary General, Kenya National Congress of Pentecostal Churches
5. **Apostle Isaack Mwangi** – Secretary General, Alliance of Registered Churches- Kenya (ARCK)
6. **Dr George Ogalo** – Chief Operating Officer, International Fellowship of Evangelical Students, & Trustee, Hesabika Trust
7. **Rev. Lucas Owako** – ACK St. Francis, Karen. Kenya Christian Professionals Forum & Hesabika Trust
8. **FCS Bernice Gachegu** – Advocate, Former Registrar General
9. **SC Charles Kanjama** – Chair, Kenya Christian Professionals Forum, and Managing Partner, Muma & Kanjama Advocates
10. **Joy Mdivo** – Executive Director, East Africa Center for Law & Justice, and Legal Counsel EAK
11. **Peter Gachuhi** – Partner at Kaplan & Stratton in the Dispute Resolution Department. Accredited Mediator, Arbitrator, Deputy Provincial Chancellor, Anglican Church of Kenya
12. **Dr Joshua Wathanga** – Consultant in Policy, Strategy & Governance, and Chair, Hesabika Trust



Space does not allow me to thank so many other brothers and sisters who assisted in one way or the other, and especially the thousands of church leaders who participated in the many validation fora for the Code of Conduct over the last five years. May the Lord be glorified because of your sacrifice.

**David Oginde** (Rev), PhD.

Chairman, Steering Committee

Bishop Emeritus, Christ is the Answer Ministries (CITAM)

Chair, Evangelical Alliance of Kenya (EAK)

Chair, Ethics and Anti-Corruption Commission (EACC)

## PART I - INTRODUCTION

### PREAMBLE

We, the Church of Kenya—

**ACKNOWLEDGING** the supremacy of the Almighty God of all creation, and the authority of the Holy Bible as the principal rule of faith and the Constitution of Kenya, 2010 as the principal civil law in the Republic of Kenya.

**RECOGNIZING** the right to freedom of religion and belief carries corresponding duties and responsibilities; and

**COMMITTED** to our beliefs and convictions, undertake to act in the best interest of our members and the society which we are privileged to be a part; and

**CONSIDERING** that our actions and conduct may at times fall short of that expected of us; and

**REALIZING** that the Church community should act decisively among ourselves to address such conduct and develop clear standards to guide our actions and prevent all forms of abuse and exploitation and advance the protection of human dignity and spiritual freedom in mutual respect among the people of Kenya.

**RECOGNIZING** the existence of other Codes of conduct and governance principles that may already apply in particular Churches and organizations,

**APPRECIATING** that there exist various denominations, Christian organizations and Christian umbrella bodies in Kenya;

**ADOPT** this Code of conduct to give collective expression to our faith, rights, responsibilities and role within society.

**TO GOD BE THE GLORY**

## A. CITATION

1. This Code of conduct may be cited as the Hesabika Code of Conduct for the Church in Kenya, 2023.

## B. DEFINITIONS

2. In this Code, unless the context otherwise requires—

**“apex body”** means an umbrella body comprising other umbrella bodies or Churches and which is recognised at the national level as representing the interests of a substantial proportion of Christians in Kenya;

**“Church”** the collective body of all Christians (in Kenya), diverse in their local expressions and affiliations but united by their common faith in Jesus Christ as Saviour; that are separately and distinctly registered in Kenya as prescribed by relevant laws;

**“Church institution”** means a specific association of Christians within a particular Church or denomination that is authorised by the specific denomination but has its own Church leadership structure;

**“Church leader”** includes every ordained minister, every person holding the office of preacher, reverend, Pastor, Priest, Bishop, each member of the clergy howsoever named, and those members of the laity holding any other office or title ordinarily assigned to them;

**“Code”** means the Hesabika Code of Conduct for the Church of Kenya 2023;

**“denomination”** means a specific part of the Church that shares distinct common teachings practices and authority, while being part of the Church in Kenya;

**“para-Church organization”** means an organization of Christian faith that participates in social welfare and evangelization outside of and beyond denominations, or within a denomination whether authorized by the specific denomination or not; and

**“umbrella body”** means a body corporate or incorporate consisting of Churches or Church institutions that associate together for purpose of recognition, collaboration and fellowship.

### **C. APPLICATION OF THE CODE**

3. This Code applies to—
  - a) Umbrella bodies including apex bodies;
  - b) Churches and Church institutions
  - c) Church leaders; and
  - d) Para-Church Organizations.

### **D. EFFECTIVENESS OF THE CODE**

4. The Code outlines principles, standards and guidance for the Church, Church institutions, Para-Church Organizations, Umbrella bodies. The standards set out in this Code do not replace but supplement existing obligations under each Church’s Constitution or the applicable laws of Kenya and serve as a framework and a guide for decision making and action in specific contexts.
5. Whereas this Code aims to provide a comprehensive set of principles and guidelines on the activities of the Church, circumstances will arise in which a Church does not find adequate guidance within this Code to enable it adequately deal with a particular situation or event.

In such a case, the Church is advised to seek guidance from the respective umbrella body to which it belongs or its constitution as the case may be.

6. Church members shall adhere to the values and principles that uphold the Christian faith and that are enshrined in the Constitution of the Church or Umbrella Body as the case may be.

## **E. ARRANGEMENT OF THE CODE**

7. The Code comprises of an introductory section which gives the background and sets the context; a section that expresses the aspirations of the Church, the guiding principles and values, the application of the Code to the Church and Church leaders and a section that provides guidance on resolution of disputes and disciplinary action.

## **PART II - CODE OF CONDUCT FOR THE CHURCH**

### **F. GUIDING PRINCIPLES AND VALUES**

8. Integrity and ethical conduct are central to biblical teaching and practice. The Lord Jesus Christ called the Church to be the salt and light in the society, and therefore should operate within a standard higher than to any other authority. Consequently, what follows is the basic minimum standard we commit ourselves to as the Church in Kenya.
9. The Church shall promote and enhance the well-being of the brethren and of society as a whole in accordance with Christian beliefs and convictions, and refrain from any conduct that undermines the constructive role that Churches play in the society.

10. Since religion is meant to assist and enhance, and not obstruct human life, the Church shall respect, protect and preserve life and shall refrain from any conduct that devalues, dehumanizes or destroys life.
11. The Church shall endeavour to uphold the sanctity of life. According to Article 26(1) of the Constitution, "Every person has the right to life." Further to that, Article 26(2) adds that "The life of a person begins at conception."
12. The Church, individually and collectively, shall respect and uphold the dignity of every person and shall not abuse or exploit any person, or do anything to violate or degrade that person.
13. The Church values children – born and unborn, and shall act in their best interest when under our care by protecting them from maltreatment, neglect, abuse, or exploitation, and promoting their physical, spiritual, moral, and social well-being and development.
14. The Church shall respect the right of every person to join any faith or religion of their choice without bullying, harassment, intimidation, or victimization.

## **G. RULE OF LAW**

15. Each Church will endeavour to uphold the rule of law in all its activities, and we shall inform and educate ourselves and our members and participants in respect to our role as good citizens.
16. Each Church shall not condone actions or behaviour that are unlawful and may cause harm or damage to other people and property.
17. Each Church shall obey the law of the land.

18. The Church shall endeavour to engage the three arms of government to pass just laws, implement the laws honestly and to protect and uphold the rule of law and, where necessary, to challenge by legal action a law that is inconsistent with, or contradicts, the express teachings of the Holy Bible.
19. In the exercise of our rights to regulate our own affairs, each Church shall act ethically and within the law.
20. Each Church shall adhere to the principle of confidentiality in personal affairs entrusted to Church leaders by its member (s) when carrying out pastoral responsibilities.

#### **H. CHURCH LEADERSHIP AND GOVERNANCE OF CHURCHES**

21. Every Church shall put in place appropriate policies in its Church leadership, management and control mechanisms and processes to ensure its internal and external operations are carried out and resources used in a transparent and responsible manner.
22. Each Church shall put in place Church leadership and governance structures to ensure accountability.
23. Each Church or denomination shall have an internal governance body that can hold the Church leaders accountable.
24. In the employment of Church staff, each Church shall ensure fairness and transparency and adherence to biblical principles.
25. Each Church shall put in place an annual forum for reporting the affairs of the Church to its members.

26. The Church shall be committed to the biblical model of servant Church leadership in our style and in serving our congregations.
27. All Church leaders shall disclose without delay, and prior to the making of the relevant decision, any conflict of interest which may arise in the course of their service.
28. The Church shall safeguard altars and pulpits from being used by politicians for political causes.
29. Contributions given in Church forums shall remain private and shall not be used as a campaign tool or a ticket to access the pulpit for political messaging.

## **I. STEWARDSHIP OF FINANCES AND ASSETS**

30. The Church shall act with honesty, integrity, due diligence, and transparency in respect to financial stewardship.
31. Additionally, each Church shall maintain ethical conduct when soliciting contributions or raising funds from members, external donors, or other sources.
32. Church leaders shall honour and use gifts and contributions for the purpose for which they were received.
33. All assets belonging to the institutions shall be registered in the name of that institution and its trustees, except where the asset is meant as a gift to an individual Church leader.
34. It shall be the duty of each Church to keep accurate financial statements in accordance with accepted financial practices and shall subject its accounts to an audit as required by each Church's registration.



35. Each Church shall be committed to be accountable and report to its members in the manner prescribed in our respective constitutions.

**J. APPLICATION OF THE CODE TO CHURCH INSTITUTIONS, PARA-CHURCH ORGANIZATIONS AND UMBRELLA BODIES**

36. The provisions of clauses F, G, H and I of this Code shall apply to Church institutions and para-Church organization in a similar manner.

37. Additionally, Church institutions and para-Church organization shall be expected to enforce this Code in their individual capacities and seek guidance of the affiliated Church or umbrella body where necessary.

38. Umbrella bodies shall, in addition to the powers conferred to them under part VI of this Code, have power to—

- a) Admit new Churches into the umbrella body in accordance with the procedures prescribed in their respective constitutions and by-laws;
- b) Expel a Church for failing to uphold or comply with the provisions of this conduct; and
- c) Provide training and guidance to Church leaders on how to effectively apply the values and principles provided by this Code.

## **PART III – CODE OF CONDUCT FOR CHURCH LEADERS**

### **K. CORE VALUES AND ETHICAL RESPONSIBILITY**

39. The provisions of clauses F, G, H and I of this Code shall apply to Church leaders in a similar manner, and to Church members to the extent possible.

40. Additionally, Church leaders shall—

- a) at all times conduct themselves in a manner that honours God;
- b) act in the best interest of the Church; and
- c) maintain confidentiality with regard to information that comes to their knowledge in their capacity as spiritual advisors.

41. Without prejudice to the above, the following principles shall be adhered to by all Church leaders;

- a) Independence – a Church leader shall maintain independence of mind in the performance of his or her duties and shall base his or her assessment of a particular situation according to his or her conscientious understanding of the teachings of the Holy Bible and the law, to the extent that the law is consistent with the Holy Bible.
- b) Impartiality – a Church leader shall be impartial in order to make decisions that are not influenced by bias, prejudice, or giving one individual the upper hand over another for illegitimate reasons.

- c) Integrity – a Church leader shall at all times exhibit obedience, and practice of moral values in accordance with this Code and precepts from God’s word. In particular, a Church leader shall ensure that he or she;
- i. works to uphold and strengthen the constitution, policies and procedures of the Church;
  - ii. uses Church resources with diligence and for the purpose for which they are intended;
  - iii. maintains confidentiality of information that come to their knowledge in the course of performing their duties;
  - iv. acts at all times in due consideration of the interest, character and reputation of the Church;
  - v. conducts himself or herself in a manner that preserves public confidence in the integrity of the Church; and
  - vi. strive not to compromise his or her integrity.
- d) Equality and non-discrimination – a Church leader shall not display bias or prejudice towards individuals or groups while carrying out his or her duties on the grounds of: ethnicity, age, race, social class, disability or health status;

- e) Prohibition against sexual harassment – for the purposes of this Code, “sexual harassment” shall have the meanings ascribed to that term in the Sexual Offences Act and the Employment Act. A Church leader shall keep himself or herself informed of and observe the laws and policies relating to sexual harassment. Further, a Church leader shall not sexually harass a member or fellow Church leader or any other person.
  - f) Misleading the Church and the general public – A Church leader shall not knowingly give false information or knowingly misrepresent information. A Church leader shall represent the truth and shall avoid propagating unsupported assertions.
  - g) Every Church leader shall take great care in the use and application of social media applications and shall desist from creating and or forwarding messages that are scandalous, promote violence, or are otherwise harmful to others and contrary to biblical teaching.
42. The Church, Umbrella bodies and Apex bodies shall ensure that capacity building is provided to all Church leaders through the implementation of various training programmes. These programmes will ensure continuous development of their knowledge, skills and competence in the Christian faith and biblical teachings, in Church leadership and governance, and in counselling and spiritual care of the faithful.

## **L. DISCIPLINARY & COMPLAINTS HANDLING PROCEDURE**

43. This section applies to disputes involving Church leaders. The provisions of part IV of this Code shall apply to this section as far as necessary.
44. Every Church shall constitute an independent internal committee that shall be responsible for handling complaints and concerns involving Church leaders with regard to breach of this Code.
45. Any member of the Church shall have an unqualified right to lodge a complaint against a Church leader relating to non-compliance with the provisions of this Code.
46. The internal committee shall have the power to—
  - a) conduct investigation into any allegations of breach of this Code or the Constitution of the Church;
  - b) take the appropriate disciplinary action pursuant to their Constitution and by-laws, where applicable; and
  - c) take any other lawful and reasonable action as may be necessary for the enforcement of this Code.
47. A person aggrieved by the decision of the internal committee may appeal to the Umbrella body and may subsequently seek redress from the Courts.
48. The principles of natural justice shall be strictly adhered to during the disciplinary process.

## **PART IV – ENFORCEMENT, OVERSIGHT AND IMPLEMENTATION OF THE CODE**

### **M. ADOPTION OF THE CODE**

49. The adoption of this Code confirms commitment of the Church, para-Church organization, apex body or umbrella body to align to the ethical standards set out herein and adherence to Biblical teachings.
50. This Code may be adopted in full or in part by any umbrella body, Church or para-Church organization as a standard Code for purposes of its operations;  
  
Provided that where this Code is adopted in part, the adopting entity shall not waive the application of the Preamble and Part I, II and III and may expressly reserve the application of Section N or O of the Code. In cases of reservation, the instrument of adoption of the Code shall specify alternative dispute resolution and disciplinary mechanisms for application.
51. Where an apex body or umbrella body adopts this Code, all Churches, Church institutions and para-Church organizations under the apex body or umbrella body shall be bound by this Code.
52. Adoption of this Code shall be indicated by two authorized signatories appending their names, offices and signatures to the Declaration Form in the Appendix and lodging an executed copy with their respective umbrella body, if they belong to one, and with a copy to Hesabika Trust which will manage the database for all signatories to this Code of Conduct.

### **N. DISPUTE PREVENTION AND RESOLUTION**

53. Every Church shall handle any disputes arising from activities of the Church in accordance with the teachings of the Holy Bible.

54. Each Umbrella Body shall establish a Dispute Resolution Committee and may affiliate to a Dispute Resolution Centre to handle conflicts among the congregants, Churches, and their Church leaders, and offer these services to the community, society, and national Church leadership.
55. In order to avoid the destruction of relationships and to preserve the unity of the Gospel, the Church shall seek the unity of the body of Christ and be a source of peace-making for the society.
56. All Churches shall encourage alternative dispute resolution, which may include negotiation, mediation, and arbitration and avoid litigation in civil courts as far as is possible.
57. Every Church shall establish a dispute resolution body and may affiliate to a Dispute Resolution Centre to handle internal disputes and conflicts among colleagues, family, congregants, and members of the wider community.

## **O. DISCIPLINARY ACTION**

58. Any disciplinary action against a Church leader shall be conducted in a just, expedient and transparent manner, giving regard to the Constitution of Kenya, 2010 and the rules of natural justice.
59. There shall be an internal disciplinary committee in every Church, Church institution and para-Church organization.
60. A disciplinary committee shall have the power to—
  - a) Conduct investigation into any allegations of breach of this Code;

- b) Take the appropriate disciplinary action pursuant to their Constitution and by-laws, where applicable; and
- c) Take any other action as may be necessary for the enforcement of this Code.

61. A Church leader alleged to be in violation of this Code shall cooperate with the relevant internal Disciplinary Committee to facilitate expedient and transparent investigations and determination of the alleged violation.

62. Where the disciplinary committee fails to take appropriate action within reasonable time, the matter shall be taken up by the respective umbrella body to which the Church belongs.

63. Where a Church leader is dissatisfied with the decision of the disciplinary committee, the party may appeal to the relevant umbrella body.

64. Each umbrella body shall be guided by its constitution, by-laws and practice.

65. Where a Church leader is proved to have breached the Code of conduct, appropriate disciplinary measures may be instituted by the relevant disciplinary committee and umbrella body as the case may be.

66. These may include but not limited to—

- a) Reprimand;
- b) Restitution;
- c) Suspension for a limited period;
- d) Removal from the Church leadership; and
- e) Expulsion from the fellowship of the Church or Umbrella body.



67. The umbrella body or apex body as the case may be, shall have final authority to enforce this Code, save for where the Church adopting this Code expressly reserves the application of this paragraph, in which case it shall be bound by the decision of their disciplinary committee as per the Church's constitution.

# CODE OF CONDUCT FOR THE CHURCH IN KENYA

## DECLARATION FORM\*

We.....(name of church or umbrella body, church institution, or organization), being a **(tick box to signify the type of organization you are)**

- Church
- Church institution
- Church organization
- Umbrella body
- Apex body

Belonging to the following Umbrella body **(indicate name of umbrella body, if you belong to one, or insert N/A if you currently do not belong to one):**

- .....
- a. Declare that we have read, understood the provisions of the Code of Conduct.
  - b. Having adopted the Code, we will make it applicable to our member churches/institutions.
  - c. We further understand that by lodging an executed copy of this Declaration Form with our above-named umbrella body (if you belong to one), with a copy to Hesabika Trust, we hereby signify our intention to adopt the Code in full or in part, in the manner hereinafter provided and commit to abide by the provisions thereof:

*Save for Part IV to the following extent:*

- a. ...
- b. ...

*In place of the reservation in Part IV above, we hereby adopt the following alternative provisions:*

- a. ...
- b. ...

We understand that the potential or perceived breach of this Code will be taken seriously and could lead to sanctions by your umbrella/apex body.

**Name:**

**Name:**

**Office:**

**Office:**

**Signature:**

**Signature:**

\*You can obtain the **Declaration Form** from <https://hesabika.com/code-of-conduct/declaration-form>, or by requesting it from [codeofconduct@hesabika.com](mailto:codeofconduct@hesabika.com)



*Contact details for copies or more information:*



**HESABIKA TRUST**

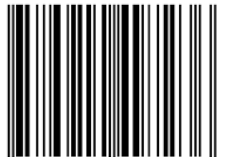
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