



# REPUBLIC OF KENYA

ELEVENTH PARLIAMENT  
NATIONAL ASSEMBLY  
(FOURTH SESSION)

## PUBLIC PETITION

**BY MEMBERS OF THE UNITED DISABLED PERSONS OF KENYA (UDPK) AND THE DISABILITY CAUCUS ON IMPLEMENTATION OF THE CONSTITUTION (DCIC) APPEALING TO THE NATIONAL ASSEMBLY OF KENYA TO DEBATE AND APPROVE AMENDMENTS TO THE REPORT AND BILLS OF THE JOINT PARLIAMENTARY SELECT COMMITTEE ON ELECTORAL REFORMS SO AS TO SECURE PARTICIPATION BY PERSONS WITH DISABILITIES IN THE ELECTORAL PROCESS IN KENYA**

WE, the **UNDERSIGNED** Citizens of Kenya who are Persons with Disabilities (PWDs) and members of the United Disabled Persons of Kenya, hereinafter UDPK and the Disability Caucus on Implementation of the Constitution, hereinafter DCIC; resident in Nairobi County of the Republic of Kenya:

**DRAW** the attention of the Honourable House to the following:

1. **THAT**, UDPK is an umbrella organization of National and grassroots associations of persons with disabilities in Kenya with a membership of eighty-six (86) associations including Kenya Union of the Blind (KUB), Kenya Society of the Physically Handicapped (KSPH), Kenya Society for the Mentally Handicapped (KSMH) and the Kenya National Association of the Deaf (KNAD), which are national associations. DCIC is a coalition of organisations of and for persons with disabilities whose overarching mandate is to ensure implementation of the Constitution of Kenya (2010) generally and provisions relating therein and relevant to persons with disabilities specifically, while promoting the interests of persons with disabilities under the Constitution and the law.
2. **THAT**, we commend the Joint Parliamentary Select Committee on Electoral Reforms for demonstrating a great spirit of nationalism and sense of patriotism by putting the best interest of the people and country Kenya above partisan interests; and arriving at a mutual bi-partisan resolution to an emotive matter, which at one time threatened to go to the very core of the existence of Kenya as a stable democracy.
3. **THAT**, the Constitution of Kenya 2010 recognizes and entrenches the rights and entitlements of PWDs in Article 54 specifically Clause (2) which provides that the State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities; Articles 27 (4) on equality and freedom from discrimination, 81(c) on fair representation of persons with disabilities, 177 (1) (c) on representation of special groups, including PWDs, in the County Assembly, 82 (2) (c)(i) on the need for voting at elections to take into account the needs of PWDs, 97 (1) (c) on nomination by political parties of Special Interest groups, including PWDs to the National Assembly, 98 (1) (d) on representation of PWDs at the Senate; and Article 100 (b) on enactment by Parliament of legislation to promote representation of marginalised groups, including PWDs.

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4. **THAT**, Kenya is signatory and State Party to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD); which obligates State Parties to facilitate participation of PWDs in public life.
5. **THAT**, to give effect to the entitlements of PWDs in the electoral process, the Persons with Disabilities' Act Cap.133 of 2003 has been enacted and spells out Human Rights entitlements of PWDs in Sections 11 on realization of rights of PWDs, 29 on Assisted Voting and 30 on Accessibility of Polling Stations for PWDs.
6. **THAT**, in pursuit of the above entitlements for PWDs in the electoral process, we made substantive specific representations to and before the Joint Parliamentary Select Committee on Electoral Reforms.
7. **THAT**, we note with appreciation that to a large extent, the Select Committee has embraced the specific representations we made, especially those relating to:-
  - a) Voter Education where the Committee recommends that t IEBC partners with other agencies and non-state actors in the provision of voter education; and ensures the inclusion of people living with disabilities when carrying out voter education.
  - b) Publicity and Media where the Committee recommends that IEBC liaises with the Media Council in developing and implementing Regulations on media coverage and conduct during campaigns as well as electoral polls and mainstreams the needs of persons with disabilities in the publications of the Commission on election matters.
  - c) Voting where the Committee recommends that IEBC puts in place adequate arrangements to facilitate voting by persons with disabilities; and
  - d) Allocation of Special Seats where the Committee recommends that in order to ensure transparency in the allocation of special seats, regulation 54(8) of the elections regulations, 2012 be amended to require that the independent and electoral and boundaries commission publish the party lists submitted by political parties under Article 90 of the Constitution the same day as that for the publication of candidates nominated to contest in the elections by the respective parties.

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8. THAT, although we are appreciative and thankful for the Committee for incorporating our representations as above, we are concerned that the proposed mechanisms and processes for arriving at the reconstituted IEBC and its membership excludes PWDs in terms of:
- (a) Membership of the reconstituted IEBC; and
  - (b) Membership of the Selection Panel
9. THAT, the issues in respect of which this Petition is made are not pending before any court of law, or constitutional or legal body;

HEREFORE, your humble petitioners PRAY that the National Assembly –

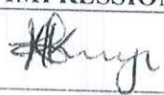

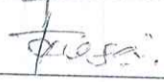


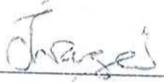


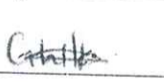


- (a) That the National Assembly prioritizes, debates, considers and approves amendments proposed below to the report and Bills of the Joint Parliamentary Select Committee on Reforms in *'Thematic Area 3: Recommendations on legal, policy and institutional reforms to strengthen the Independent Electoral and Boundaries Commission so as to ensure the August, 2017 elections are free and fair and are administered in an impartial, efficient, simple, accurate, verifiable, secure, accountable and transparent manner'* as follows:
- (i) Amending recommendation (1) by inserting a comma and the phrase *'two of whom shall be persons with disabilities of either gender'* immediately after the words *'set at seven'*
  - (ii) EITHER amending recommendation (2) (a) by inserting the phrase *'two of whom shall be persons with disabilities'* immediately after the words *'two men and two women'* OR inserting a new sub-paragraph (g) with the phrases EITHER *"One person representing the United Disabled Persons of Kenya"* OR *"One person representing the National Council for Persons with Disabilities"*
- (b) That the National Assembly Mandates the relevant Committee of the House to monitor implementation of the ongoing electoral reforms to ensure that the Human Rights entitlements of Persons with Disabilities in the inclusion in public life.

And your PETITIONERS will ever PRAY.

NAME	FULL ADDRESS	IDENTIFICATION NUMBER	SIGNATURE/THUMB IMPRESSION
Anderson Gitonga	6430-00200 NRB	13355168	
LESLAY Koyi	66577-00800 NRB	21808292	

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NAME	FULL ADDRESS	IDENTIFICATION NUMBER	SIGNATURE/THUMB IMPRESSION
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