

## **MEMORANDUM**

### **The Representation of Special Interest Groups Laws (Amendment) Bill, 2019**

This memorandum entails submissions of The Youth Congress on 'The Representation of Special Interests Groups Laws (Amendment) Bill (National Assembly Bills No.52 of 2019)'. The memorandum offers recommendations to support youth increased representation both in numbers and quality in parliament.

The Youth Congress is a youth serving Non-Governmental Organization founded in 2007 to provide young people in Kenya with a platform to articulate their issues, explore opportunities for youth participation and leadership to effectively address their interest and concerns and engage young people in social, economic and political processes. The Youth Congress has 47 County Youth Leagues that bring together over 500 youth groups and organizations, with around 100,000 members.

The Youth Congress supports the Representation of Special Interest Groups Laws (Amendments) 2019 that seeks to amend various laws towards realization of Article 100 of the Constitution of Kenya 2020.

#### **General recommendations**

1. The country enacted a very progressive constitution in August 2010. Youth, by their huge numbers, overwhelmingly endorsed the document in a historic referendum that year. This was a clear explanation that the new constitution was seen as a new dawn in promoting dignity and fundamental human rights of all Kenyans including the youth. In order to realize the aspirations envisioned under the Constitution, the State is supposed to create an enabling environment and formulate effective policies that will support the implementation and sustainability of youth initiatives.
2. Article 55 of the Constitution obliges the state to take appropriate measures to ensure socio-economic and political development of youth through education, training and employment. The article gives Kenyan youth a new claim. For example, youth programmes and projects are now an inalienable right.
3. It is vital to give further effect to article 100 of the Constitution to promote inclusion and representation of youth in Parliament. A robust Act would provide a legal framework and solid foundation for representation of youth and other special interest groups in Parliament and Public Institution - will provide a framework for youth and special interest groups representation at the national and county levels.

4. It is important to recognize that the Kenya Youth Development Policy (2020), the National Youth Council Act and the National Gender and Equality Commission Act are some of the overarching strategic policies and laws to promote youth inclusion.
5. Given that 78 per cent of the Kenyan population is under 35 years old, and over 50 per cent of registered voters are between 18 and 35 years, youth participation and representation must be accorded keen attention. Youth inclusion and representation should mean that both young men and young women have equal rights and opportunities.
6. Out of 14 million registered party members, only 27 per cent are youth. Clearly, participation of youth in political parties is below average, given their high population. That is why urgent action is needed to ensure that youth engage in politics, and shape Kenya's party politics - programs are required to effectively support youth participation in political parties. While youth political party wings may provide an entry point for youth to advance within political parties, it is unclear if and when party youth wings may serve as a meaningful avenue through which young people may heighten their political influence.
7. Civil society has an important role in safeguarding and expanding Kenya's democracy. In this case, Youth Advocacy/Serving Organisations are key in the realization of Article 100 objectives. Collaboration and engagement with Youth Advocacy Organisations is important in enhancing youth representation and political participation.
8. A robust mechanism for monitoring and an elaborate system for reporting are key to ensuring compliance of the proposed Act. Political Parties should be obligated to report on steps they are taking to promote representation of special interest groups in parliament. Office of Registrar of Political Parties should be obligated to report on the State of Special Interest Groups Representation in the country.
9. Parties and politicians need to become more adapt at using new technologies that can bring more young people into their space and enable them become more politically active.
10. Representation of special interest groups should be maintained as a form of affirmative action – a means not an end. However, more needs to be done to create an enabling environment that would enhance participation and representation of special interest groups. Free and Fair nominations and elections is key for some real representation of special interest groups.

## Specific Recommendations

1. Section 25 of the Political Parties Act, 2011, should clearly provide for among others distribution criteria for allocation and purpose of the Fund for Special Interest Groups.
2. Appointments, nomination and representation in parliament and parliamentary positions and committees shall ensure representation of the special interest groups.
3. Propose setting up of a mechanism at the party and other relevant levels to increase transparency of campaigns and nomination of representatives of special interest groups.
4. National Gender and Equality Commission in collaboration with all stakeholders including Youth Serving Organisations should develop guidelines for how to get political parties, parliament and other public institutions implement the Act to ensure representation of special interest groups.
5. Mandate the Independent Electoral and Boundaries Commission to ensure that party nominations comply with the constitution and nominees for special interest groups meet criteria set out in the Act.
6. Strengthen the Electoral Conduct should ensure that parties and candidates promote fair representation of special interest groups.
7. Require the National Gender and Equality Commission, Independent Electoral and Boundaries Commission and other stakeholders to include and collaborate with Youth Serving Organizations in carrying out functions of conducting and facilitating civic education and voter education to sensitise the public on the right of special interest groups to participate in electoral processes.
8. The Act should propose setting up of a national programme to support participation of youth in governance, and empower the youth to participate in political parties.
9. Require youth nominees of Special Interest Groups to obtain recommendation from a Youth Advocacy/Serving Organization or Council.
10. Recommend support to Youth serving organisations to enhance capacity of special groups to participate in the electoral processes.
11. Require political parties to adapt to new technologies and alternative forms of communication other than websites.
12. Require National Gender & Equality Commission, political parties and office of the register of political parties to report on status of representation of special interest groups.
13. The Act should recommend support for young Members of Parliament in their parliamentary career.
14. The Act should mandate the National Gender and Equality Commission to develop indicators and the best way to measure participation and influence of special interest groups.
15. The Act should require political parties to show the process used to identify and select representatives of special interest groups.

**Raphael Obonyo**  
**Convener**

# REPUBLIC OF KENYA



## TWELFTH PARLIAMENT | FOURTH SESSION THE SENATE

### The Representation of Special Interests Groups Laws (Amendment) Bill (National Assembly Bills No. 52 of 2019)

#### INVITATION FOR PUBLIC PARTICIPATION AND SUBMISSION OF MEMORANDA

The Representation of Special Interests Groups Laws (Amendment) Bill (National Assembly Bills No. 52 of 2019) was read a First Time in the Senate on Tuesday, 12<sup>th</sup> May, 2020 and thereafter stood committed to the Senate Standing Committee on Justice, Legal Affairs and Human Rights.

Pursuant to the provisions of Article 118 and standing order 140 (5) of the Standing Orders of the Senate, the Senate Standing Committee on Justice, Legal Affairs and Human Rights now invites interested members of the public to submit any representations that they may have on the Bill, by way of written memoranda.

The Memoranda may be-

- i) hand-delivered to the Office of the Clerk of the Senate, First Floor, Main Parliament Buildings, Nairobi; or
- ii) emailed to the Clerk of the Senate on the address - [cSenate@parliament.go.ke](mailto:cSenate@parliament.go.ke) and copied to [senatejlahrc@parliament.go.ke](mailto:senatejlahrc@parliament.go.ke)

to be received on or before **Tuesday, 2<sup>nd</sup> June, 2020 at 5.00pm.**

The Bill may be found on the Parliament website at <http://www.parliament.go.ke/the-senate/house-business/bills-national-assembly>.

**CLERK OF THE SENATE/ SECRETARY,  
PARLIAMENTARY SERVICE COMMISSION.**