

REPUBLIC OF KENYA



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Clerk's Chambers
The Senate
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Nairobi, Kenya

PARLIAMENT
OFFICE OF THE CLERK OF THE SENATE

Ref. SEN./PETITIONS/CORR./2017

30th March, 2017

Mr. John Kubai M'akwalu,
P.O. Box 12 - 60605,
MUTHARA.
Email: johnakwalu@gmail.com
Tel: 0718250750



Dear *Mr. John*,

**RE: PETITION TO THE SENATE ON REPRESENTATION OF PERSONS WITH
DISABILITIES IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

I acknowledge, with thanks, receipt of your Petition on the above subject matter.

This is to inform you that the Petition has, by a copy of this letter, been forwarded to the Joint Select Committee on Election of Members to the East African Legislative Assembly. The Committee is mandated to, among others, review the procedure and rules for election of Members of EALA.

You may contact Mr. Charles Ngatia, the Clerk Assistant responsible for the said Committee, on Tel No. 0722106970 or Email, cwngatia2004@gmail.com.

Yours

Sincerely,

M. A. MOHAMED
SENIOR DEPUTY CLERK
FOR: CLERK OF THE SENATE

Copy to: -

The Co-Chairpersons,
Joint Select Committee on Election of Members
to the East African Legislative Assembly,
Parliament Buildings,
NAIROBI.

Copy of Petition enclosed.

② Charles
Please deal.
The representation of persons with disabilities

The Clerk of the Senate

Parliament Buildings

P.O. Box 41842 – 00100

NAIROBI

Email: csenate@parliament.go.ke



DLPS
Please deal.
24/3/17

RE: PETITION TO THE SENATE CONCERNING [the representation of persons with disabilities]

I, the undersigned,

A Citizen of the Republic of Kenya, and a resident of [Tigania-east constituency of Meru county];

DRAW the attention of the Senate to the following:

1. The continued discrimination and marginalization of persons with disabilities.

1.1 THAT, discrimination starts from the political parties since the existing political parties give priority to non-disabled persons in most of their nominations/appointments.

1.2. THAT, since the reinstatement of the east African legislative assembly, no disabled person has ever been nominated to it by any political party.

1.3. THAT, no light has been shed on whether an interested individual can submit the application as a member of the east African legislative assembly independently without going through a political party.

2. The existing gaps in the law.

2.1. THAT, no legislation has been passed to give effect to section 54/2----100 of the constitution and show a clear procedure on how the country can go about the issues addressed in those sections.

2.2. THAT, the procedure of nominating representatives of persons with disabilities in elective posts is not well spelt out. In addition to that, Nominated leaders are too few and have no fund assigned to them, to help persons with disabilities.

3. Slow implementation of the existing laws/policies concerning the persons with disabilities.

3.1. That, the persons with disabilities act, cap. 133 of 2003 and its subsequent amendments has some of its sections not implemented up to this date. For example: section 19. "Special and non-formal education The Council shall work in consultation with the relevant agencies of Government to make provisions in all districts for an integrated system of special and non-formal education for persons with all forms of disabilities and the establishment where possible of Braille and recorded libraries for persons with visual disabilities." And section 38. "Legal system (1) The Attorney-General, on consultation

with the Council and the Law Society of Kenya, shall make regulations providing for free legal services for persons with disabilities with respect to the following— (a) matters affecting the violation of the rights of persons with disabilities or the deprivation of their property; (b) cases involving capital punishment of persons with disabilities; and (c) such matters and cases as maybe prescribed in the regulations made by the Attorney-General. (2) The Chief Justice shall make rules providing for— (a) the exemption, for persons with disabilities, from the payment of fees in relation to matters or cases described in subsection (1); and (b) the provision, to persons with disabilities who attend court, of free sign language interpretation, Braille services and physical guide assistance. (3) Accused persons who are denied bail shall be entitled to be held in custody in facilities modified in accordance with regulations made by the Minister. (4) The Chief Justice shall endeavour to ensure that all suits involving persons with disabilities are disposed of expeditiously having due regard to the particular disability and suffering of such persons.”

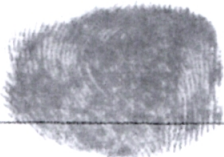
4. THAT, none of these issues raised in this Petition is pending in any court of Law, Constitutional or any other legal body.

WHEREFORE, your humble petitioner pray that the Senate-

1. To ensure that each political party submits a list of candidates of the members of the East Africa legislative Assembly with the 5% of such members being distinctively disabled.
- X 2. The senate through the speaker to invoke standing order number (1) to alter the allocation of the slots of the Kenyan nominees to the institution mentioned in no.1 above so as to allow independent applicants who are not aligned to any political party since the constitution allows for the participation of independent candidates in political affairs.
3. To undertake the necessary legal amendments to provide for full representation of the persons with disabilities in all elective posts in line with section 54 and section 100 of the constitution of Kenya.
4. to amend the constitution and create special electoral units at all levels so as to facilitate the empowerment of disabled persons through their own elected leaders.
- X 5. to institute a powerful and standing commission to ensure the implementation of all the laws and motions passed by senate, national assembly and the 47 county assemblies.

Dated Tuesday, 21st march 2017.

No	NAME	ADDRESS	I.D. No.	MOB. No.	SIGNATURE
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