



MZALENDO



CLAIMING THE SPACE:

**THE INCLUSION AND PARTICIPATION OF THE
YOUTH IN KENYA'S 11TH AND 12TH PARLIAMENTS**



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LIST OF ABBREVIATIONS

ANC	African National Congress
CCU	Chama cha Uzalendo
CKRC	Constitution of Kenya Review Commission
CMD	Center for Multiparty Democracy
CoE	Committee of Experts on Constitutional Review
CS	Cabinet Secretary
CSO	Civil Society Organization
EFF	Economic Freedom Fighters party
EYP	European Youth Parliament
IEBC	Independent Electoral and Boundaries Commission
IPU	Inter-Parliamentary Union
KEDIPA	Kenya Disability Parliamentary Association
KEWOPA	Kenya Women Parliamentary Association
KYPA	Kenya Young Parliamentarians Association
MP	Member of Parliament
NCC	National Constitutional Conference
NCOP	National Council of Provinces
NFK	New Ford Kenya
NIMD	Netherlands Institute for Multiparty Democracy
ODM	Orange Democratic Movement
ORPP	Office of the Registrar of Political Parties
PSC	Parliamentary Service Commission
PWDs	Persons with Disability
SDY	State Department for Youth at the Ministry of Public service, Youth and Gender Affairs
TNA	The National Alliance Party
UDF	United Democratic Forum
URP	United Republican Party
WDM-K	Wiper Democratic Movement Kenya
YAA	The Youth Agenda
YIAGA	Youth Initiative for Advocacy, Growth and Advancement

ABOUT MZALENDO

Mzalendo is a non-partisan entity that keeps an eye on Kenyan Parliament with a mission to facilitate public participation in Parliamentary processes through Information Sharing, Research and Networking.

Our vision is to see *Informed, Empowered and Engaged citizens transforming society by holding their leaders to account*. To build public trust and encourage their continued participation in Parliamentary business, Mzalendo Trust since 2013 tracks and opens up MPs work outputs as a means to promote transparency and accountability.

Through our outputs – live tweets chats, availing bills to the public, giving annual report cards on MPs work and conducting research on various Parliamentary matters e.g. representation of women MPs and youth, Mzalendo Trust has become an indispensable part of the Kenyan civil society and political ecosystem.

Presently, Mzalendo Trust is one of the CSO representatives on the National Steering Committee of the Open Government Partnership (OGP) third action plan for the years 2018-2020.

FOREWORD AND ACKNOWLEDGMENTS

The Kenyan constitution recognizes the importance of youth representation in both houses of Parliament and, in addition to the elective seats, reserves two positions in the Senate and at least one position in the National Assembly for nominated youth MPs. The expectation in doing so is that youth MPs will utilize that opportunity to ensure the mainstreaming of youth issues in the budget process, and that youth MPs will sponsor and support Bills and other parliamentary business that contribute to the wellbeing and advancement of the people they represent.

In commissioning this study, Mzalendo Trust sought to document the rationale for and journey towards inclusion of these affirmative seats in Parliament; the legal framework for and role of various actors, particularly political parties, in the nomination of candidates to these seats, and in promoting the direct election of youth MPs; and, finally, the contributions, realities and challenges faced by youth MPs in the discharge of their constitutional mandate.

We hope is that this publication results in enhanced peer and citizen support of the importance and value of youth MPs to the principle of representation in the legislative process, to having more youth elected rather than nominated as a result of showing their contribution in the legislative process, and that having fair and clearer nomination policies will result to better representation of the youth.

Mzalendo Trust is greatly indebted to the Netherlands Institute for Multiparty Democracy (NIMD) for the financial and technical support that enabled the organisation to successfully carry out and publish the findings of this study.

We wish to thank everyone involved in generating this publication, in particular: all the respondents who provided immense contributions and recommendations, including Members of Parliament, the IEBC, the Office of the Registrar of Political Parties, various CSOs, political parties, the KYPA, and participants at the Validation meeting held prior to launch of this report; the Consultant, Charles Munyua and the two researchers Sylvia Katua and Stephen Mureithi; as well staff at Mzalendo Trust, Loise Mwakamba, Jefferson Gathumbi and Victor Werimo for excellent work and valuable technical direction.

Ms. Caroline Gaita
Executive Director
Mzalendo Trust

EXECUTIVE SUMMARY

Approximately 75% of Kenya's population is comprised of the youth and yet, this number is not reflected in terms of their representation in Parliament. As of now, youth MPs constitute about 6.5% of Parliament's membership. It is important to ensure and to promote increased inclusion of youth in political processes so as to ensure that they have greater participation in decision making roles which have large impact in their lives.

The study has looked into other jurisdictions and how they ensure inclusion of youth in political processes, specifically; South Africa, Nigeria, Britain and Canada. These countries have excellent structures that support and promote the participation of youth in political processes. These practices, that include youth quotas in national Parliaments and political parties and stricter campaign financing regulations, form the basis of the best practices that Kenya should adopt.

One of the key findings from the research on the youth parliamentarians was that they do not receive enough support from political parties and other stakeholders. This support is in terms of capacity and resources. Additionally, the issue of flawed nominations arose, with various parties stating that nomination processes in political parties were shambolic and unfair, causing many youth to avoid politics as a whole. Further, youth leagues were not active and did not receive the required support from political parties. The report also highlighted a number of barriers that hinder increased numbers of youth MPs including, the effect of money, power and influence on who gets elected to Parliament, preference of political parties to seasoned politicians and lack of a democratic culture during nominations.

In light of this, Mzalendo Trust recommends, among others, the amendment of the Elections Act 2013 to provide for a specified number of nomination slots for persons aged 35 and below, enhancement of training and technical support provided to nominated MPs, strengthening of youth leagues/wings in political parties, mobilization of cross-party support for review of nomination rules to ensure more youth get into Parliament and to undertake civic education and awareness to youth on political engagement.

INTRODUCTION

Introduction

This Report is an assessment of the law and practice on youth inclusion and participation in Kenya's political processes, with specific reference to the 11th and 12th Parliaments, being the first and second terms following promulgation of the new Constitution in 2010. The report analyses gains made, challenges experienced, and opportunities available for mainstreaming youth participation in critical electoral and governance processes in Kenya.

The study was commissioned by Mzalendo Trust, in the context of a project titled '*Civil Society Organizations Impact on Kenya's Policy Making and Governance*', implemented with support from the Netherlands Institute for Multiparty Democracy (NIMD). The overall goal of the project was to deepen the linkage between the public and political actors, enhance access to information on Parliamentary decisions, and document the contribution of special interest groups, particularly women and youth, in Parliament.

The expected outcomes of the project were to encourage women and youth already engaged in advocacy work to vie for office in the next election cycle, to demonstrate to citizens how to evaluate potential leaders in their communities, to influence political parties' inclusion processes ahead of the next elections, and to inform the respective strategies of the existing women and youth parliamentary caucuses.

Context, Objectives and Scope of the Study

Context: –

- a) Youth MPs – both elected and nominated – comprise 6.5% of the membership of Parliament, falling below the global average of 10%;
- b) 11th and 12th Parliaments are the first and second to be elected and serve under the new Constitution – what have we learnt so far?;
- c) Almost halfway into the term of the 12th Parliament – time to put in place enabling frameworks for the remainder of the term and ahead of 2022 elections; and
- d) Ongoing national dialogue for review of the 2010 Constitution – what is the 'ask' for the youth?

Scope: –

11th Parliament (2013 – 2017) and 12th Parliament (2017 – 2019)

Objectives: –

- a) to assess the legal framework and criteria for nomination of youth MPs to the National Assembly and the Senate;
- b) to assess the framework for direct election of MPs and whether it promotes youth representation;
- c) to document the contributions and impact of Youth MPs;
- d) to identify opportunities and barriers to effective discharge by Youth MPs of their mandate;
- e) to review linkages and support accorded to Youth MPs by Parliament, government institutions, political parties, CSOs, media and other stakeholders; and
- f) to make recommendations on each of these areas.

The Constitution defines youth as all persons within Kenya who have attained the age of 18 years but have not attained the age of 35 years.¹ Article 55 further requires the State to take measures, including affirmative action programmes, to ensure that the youth have opportunities to associate, be represented

¹ GoK (2010), The Constitution of Kenya, Article 260. Universally, there is no uniform definition of who constitutes 'youth'. For instance, the United Nations considers youth to be from the age of 15-24 years, the Commonwealth of Nations is from 15-29 years, while the African Youth Charter defines youth as someone aged between 15-35 years.

and participate in the political, social, economic and other spheres of life. Among the avenues provided for this are the reserved seats for nomination of Youth MPs to the National Assembly and the Senate, as well as enabling provisions for the youth to vote and vie for political office.

This study sought to assess the criteria for nomination of persons to represent the youth in the National Assembly and the Senate, the framework for direct election of MPs and whether it promotes youth representation, to document the contributions of Youth MPs towards realization of their mandate as provided in the Constitution, to identify opportunities and barriers to effective discharge by Youth MPs of their mandate, and to review linkages between Youth MPs and civil society organizations (CSOs), including how these could be leveraged on to enrich the contribution of Youth MPs while giving CSOs an opportunity to inform policy and law-making processes.

The study covered the term of the 11th Parliament (2013 – 2017) and the first two years of the 12th Parliament (2017 – 2019).

Methodology of the Study

Methodology

- I Research Design** - descriptive research design
- II Desk Review** – Existing literature; Constitution; previous draft Constitutions; Statutes, Rules and Regulations; Political party nomination rules; Legislative business trackers (Bills, Motions, Questions/Statements, Petitions); Hansard reports; and periodic reports of Parliament
- III Qualitative Interviews** - selected Youth MPs, parliamentary staff, political parties' leadership, the Kenya Young Parliamentarians Association (KYPA), the National Youth Council, the State Department for Youth, and the Parliamentary Initiatives Network – Kenya (PIN Kenya).
- IV Validation Meeting** - Input from stakeholders
- V Review Phase** – Incorporation of feedback, publication and launch of Report

National Assembly House Business	Senate House Business
Standing Orders	Standing Orders
Order Paper	Order Paper
Upcoming Business	Upcoming Business
Hansard	Hansard
Votes & Proceedings	Votes & Proceedings
Bills	Bills
Motions	Motions

Descriptive Research Design was used in the study to describe the state of affairs using primary and secondary data. Secondary data was obtained from various publications, including Hansard records, legislative trackers and periodic reports of Parliament. Primary data was obtained from interviews with a variety of stakeholders, including selected Youth MPs, parliamentary staff, political parties' leadership, the Kenya Young Parliamentarians Association (KYPA), the National Youth Council, the State Department for Youth, and the Parliamentary Initiatives Network – Kenya (PIN Kenya).

The data so collected was thereafter classified and analysed qualitatively to arrive at the findings and recommendations.

Contextual Background

It is estimated that youth (under the age of 35 years) comprise an estimated 78% of the country's population.² This key segment of the population is however underrepresented in Parliament. For instance,

² The Youth Agenda (2013), Youth in Leadership: An audit of youth representation in public, private, civil society and faith-based organizations. YAA, Nairobi, p5

during the term of the 11th Parliament, there were 27 Members of Parliament under the age of 35, out of a total membership of 417 Members. This number, comprising both elected and nominated Youth MPs, constituted only 6.47% of the total membership of Parliament. Once MPs aged 35 are included, the number of Youth MPs goes up to 42, representing approximately 10% of the total membership of Parliament.³

This trend is reflected in a majority of countries globally, with research indicating that while young people aged 18 – 35 comprise more than 3 times those aged 60 and above, when it comes to representation in Parliaments, the latter group is two, three, four or even five times more represented than the former.⁴

Obstacles to increased numbers of Youth MPs

- 1 The effect of **money, power and influence** on who gets elected to Parliament
- 2 Political parties are seen to **prefer seasoned politicians** as suitable candidates for office and perceive younger ones as rather inexperienced (even when it comes to nomination)
- 3 Young people **do not register as members of political parties** and consequently do not take part in party primaries, where most youth candidates are eliminated. Also, lack of democratic culture during nominations
- 4 Young people **do not vote for youth MPs** leading to a case where they constitute 'a marginalized majority'



The factors cited for this low representation of young people in Parliaments include the role played by money, influence and power, which invariably come with age, in who gets elected to Parliament.⁵ Political parties are also seen to prefer seasoned politicians as suitable candidates for office and perceive younger ones as rather inexperienced.⁶ This has meant that, even when it comes to nomination of MPs, political parties have largely opted to fill these positions with older and more established politicians, except where the law specifically obligates them to nominate a young person.

Young people have therefore been described as the 'excluded majority with an insufficient legislative presence'⁷ and as 'the marginalized majority'.⁸

In addition to making it possible for young people aged 18 and above to vote and contest for election to Parliament, the Constitution of Kenya reserves special seats in Parliament for youth MPs, making it one of only four countries globally that have reserved seats for youth in national Parliaments, the others being

3 In both the 11th Parliament and 12th Parliament, young MPs aged 35 and below comprise approximately 10% of all Parliamentarians. When this is enhanced to 40 years, the percentage doubles to 20%. It is however important to note that, as at the time the term of Parliament comes to an end, majority of these members have since moved on from the youth bracket.

4 Daniel Stockemer and Aksel Sundstrom (2018), Age representation in parliaments: Can institutions pave the way for the young? European Political Science Review, 10:3, 467–490

5 The Youth Agenda (2013), p15

6 Stockemer and Sundstrom (2018)

7 Inter-Parliamentary Union (2014), Youth Participation in National Parliaments, Geneva: IPU.

8 Interview with a CSO respondent.

Morocco, Rwanda and Uganda.⁹ While this has bolstered the number of young people in Parliament, it has not gone far enough, as the number of seats so reserved are too few.¹⁰ Indeed, this aligns with the findings of a study on age representation in parliaments which found that, compared to electoral system type and candidate age requirements, youth quotas have little or no effect as they are 'too low and too selectively applied to bolster the legislative presence of youth'.¹¹

That being the case, and as efforts continue being made towards increasing the number of young people in Parliament, the young MPs elected or nominated to Parliament carry the heavy weight of effectively articulating the youth agenda, in addition to discharging their other constitutional duties as Members of Parliament. This is particularly so as young people have different policy priorities compared to older people. For instance, they might favour investments in education and hold pro-globalization views, compared to the older generation who might support higher pensions and the preservation of traditional customs and way of life.¹²

This study therefore sought to trace the journey towards inclusion of the youth in Kenya's political processes, with emphasis on how political parties and other actors have facilitated the youth to get into Parliament and, once there, to effectively discharge their roles as Members of Parliament.

Of note, the study was undertaken a year ahead of the 10th anniversary since promulgation of the new Constitution, in the context of an ongoing conversation on whether the Constitution has delivered on its promise of mainstreaming the inclusion and participation of women, youth and other special interest groups in the country's democratic processes.

Justification for the Study

In carrying out this study, it was expected that the findings and recommendations arising therefrom would inform the strategies and approaches that Parliament, the IEBC, political parties, caucuses, CSOs and other actors would take to mainstream the inclusion and participation of the youth in Kenya's democratic processes. This would include, among others, review of policy and legislative frameworks, political party nomination rules, strengthening linkages among various actors, and administrative arrangements towards providing more agile support to youth MPs in carrying out their work. Additionally, the study would review best practices from other jurisdictions and make proposals on those that may be applicable in the local context towards ensuring effective representation of youth and other special interest groups in the democratic process.

9 Stockemer and Sundstrom (2018), p475

10 The Constitution reserves two seats for youth in the Senate. In the National Assembly, youth are lumped together with other groups for the 12 nomination slots and, in practice, have received either one or two of these slots, to bring the total number to either 3 or 4. This represents less than 1% of the total membership of Parliament.

11 Stockemer and Sundstrom (2018), p475

12 Stockemer and Sundstrom (2018), p468

Introduction

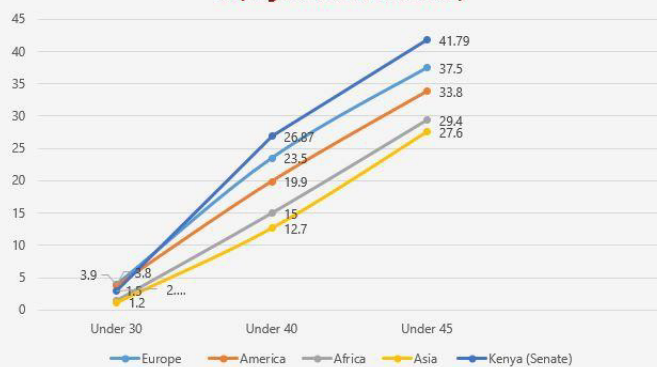
Political participation is considered a key component of democratic societies and entails, among others, ensuring that all groups have a voice in influencing how decisions are made and implemented. In most countries for instance, older men have for a long time enjoyed undue advantage when it comes to exercising their civil and political rights, including to vote and to vie for election to office. Efforts have therefore been made at global, regional and national level, to ensure that women, youth, persons with disabilities, marginalized communities and disadvantaged groups are facilitated to participate in law, policy and decision-making processes.

Youth representation and participation in political life has particularly become a priority globally, resulting from the very low number of young parliamentarians, and bearing in mind that youth aged under 30 years account for more than half the world's population.¹³ It has been observed that the presence of young MPs in the legislature shapes the degree to which they are able to be spokespersons for other young people through, among others, the introduction of topics relevant to youth for debate by parliaments.¹⁴ This fosters positive attitudes among the youth towards government, increases government responsiveness toward their demands, and helps enhance the overall participation of young people in the political process.¹⁵

Global outlook on youth representation in Parliaments

- a) 2.2% of the world's MPs are aged under 30, 15.5% under 40 and 28.1 under 45 years;
- b) Representation of young people in parliaments stands at a low of **2%** globally;
- c) 30% of the world's single and lower chambers of parliament lack representation of young people under 30 years, while 3% lack representation of young people under 40;
- d) In upper chambers is even worse, with 76% lacking representation of young people under the ages of 30 years and 20% lacking representation of young people under the ages of 40 years;
- e) In upper chambers, Kenya is the second best ranked globally, after Bhutan

Regional ranking for parliamentarians under 30, under 40, under 45 (single and lower chambers)



13 Inter-Parliamentary Union (2018), Youth Participation in National Parliaments (Accessed at www.ipu.org)

14 Celis and Karen (2008), Gendering Representation, in 'Politics, Gender, and Concepts', ed. Gary Goertz and Amy Mazur. Cambridge: CUP.

15 Stockemer & Sundstrom (2018), op cit

This chapter reviews the global outlook on youth representation in national parliaments, compares the law and practice from selected jurisdictions, and highlights lessons and best practices that may be implemented locally within the existing frameworks to enhance youth participation and representation in Kenya.

Global Outlook on Youth Representation in National Parliaments

A study published by the Inter-Parliamentary Union in 2018 indicated that representation of young people in parliaments stands at a low of 2% globally, with only a very small increase of 0.3% from 2016 to 2.2% in 2018. About 30% of the world's single and lower chambers of parliament lack representation of young people under 30 years, while 3% lack representation of young people of under 40 years of age. The situation at the upper chambers is even worse, with 76% lacking representation of young people under the ages of 30 years and 20% lacking representation of young people under the ages of 40 years.¹⁶

The IPU has therefore come up with a campaign where it calls upon member Parliaments to work towards increasing the number of young people in parliaments, with a target of 15%, 35% and 45% respectively, for MPs aged under 30, 40 and 45 years, by the year 2035.¹⁷

Case Studies

Case studies from comparative jurisdictions

South Africa

- 6% of MPs aged under 35, of which 56% are female;
- Parliamentary Group for Young MPs;
- Youth-led EFF gaining rapidly (6.3% in 2013 and 10.8% in 2019) – structure has Youth Command and Students Command

Nigeria

- 'Not Too Young to Run' campaign managed to lower age restrictions for NA and Senate from 30 to 25 years, and presidency from 40 to 35. Governorship was retained at 35;
- Campaign was greatly supported by the Forum for Young Parliamentarians in Nigeria

United Kingdom

- Political parties identify electoral districts they are most likely to win and allocate, women, youth and ethnic minority candidates to vie;
- Parliament runs an outreach program in schools and youth centers with the aim of encouraging youth participation in political affairs;
- All-Party Parliamentary Group on Youth Affairs

Canada

- Parliament runs an annual youth program called 'the Forum for Young Canadians';
- Strong campaign financing laws to ensure fair play among all candidates and parties;
- Advisory Youth Councils for PM and MPs

1. South Africa

South Africa has a bicameral parliament comprising the National Assembly and the National Council of Provinces (NCOP). Young MPs under the age of 35 years constitute 6% of the national Parliament, with 56% of these being young women. Majority of the young MPs (18) are elected to the National Assembly while the rest (5) are elected to the NCOP.¹⁸

There exists a bipartisan caucus of young MPs known as the Parliamentary Group for Young MPs.¹⁹ While youth representation in the national Parliament has not fared well over the years, this has changed

¹⁶ Inter-Parliamentary Union (2018), op cit

¹⁷ Inter-Parliamentary Union (2019), Annual Report for 2018/19. (Accessed at www.ipu.org)

¹⁸ Parliamentary Monitoring Group (2018), Youth in Parliament. (Accessed at www.pmg.org.za)

¹⁹ Inter-Parliamentary Union (2018), op cit

significantly since the year 2013, following the launch of the Economic Freedom Fighters (EFF) party. The EFF was founded by Julius Malema, who had served as the African National Congress (ANC) Youth League president and has been at the forefront in advocating for youth issues. By presenting and supporting youth candidates during the two general elections held since, the EFF has played a great role in increasing the number of youth MPs in Parliament. For instance, while in 2013 the party managed to send 25 MPs to Parliament and secure 6.35% of the total votes cast, during the 2019 elections, the EFF managed to send 44 MPs to Parliament and secure 10.8% of the total votes cast.²⁰

Part of the reason for the EFF's growing success and numbers is its organizational structure which includes two youth wings.²¹ The first is the Youth Command which targets youth aged 15 – 35 years and is tasked with organizing and championing issues of the youth. The second is the Students Command, which exists in all colleges and universities and was instrumental in the 'Fees Must Fall' campaign for more accessible tertiary education in South Africa. The Students Command also actively participates in university student representative council elections. These two youth wings make the party more popular among the youth, with the EFF now considered a principal training ground for young people on governance and political affairs.



A study undertaken in South Africa placed political parties' engagement with the youth under 3 main categories: first, substantive issues on which the youth request information, e.g. on how general policy positions can be more youth-centric, and how issues specific to youth are addressed, e.g. education, employment, substance abuse etc.; secondly, procedural issues on which the parties engage the youth, such as

mobilization for electoral registration and voting in elections, marketing for party events, and recruitment to party membership through cajoling, persuasion and propaganda; and, thirdly, youth generational issues, namely that the time for old politics is over and young leaders are taking over; and targeting youth for registration on the on the narrative that it is through registration that the new South Africa will emerge.²²

2. Nigeria

Nigeria is one of the countries that retain age restrictions for candidates seeking election as Members of the national and state legislatures, as well as for the positions of President and State Governors. A campaign conceived by the Youth Initiative for Advocacy, Growth and Advancement (YIAGA) and captioned 'Not Too Young to Run' managed to have the law amended to reduce the eligibility age for the House of Representatives and the state legislatures from 30 years to 25 years and for the presidency from 40 to 35 years. The eligibility age for the Senate and governorship was retained at 35 years.²³ Subsequently, YIAGA and the network of civil society organizations have continued to advocate for reduction of political party nomination fees to encourage the involvement of youth in politics.

20 Electoral Commission of South Africa. <https://www.elections.org.za>

21 EFF Constitution, Articles (16) and (17)

22 Susan Booysen (2015), Strengthening participation of young people in South Africa's electoral and democratic processes: Surveying the understandings of political parties. Freedom House: Johannesburg, South Africa

23 Mona Krook and Mary Nugent (2018), Not Too Young to Run? Age requirements and young people in elected office. Intergeneration Justice Review 2/2018 (Accessed at <http://www.igjr.org>)

Notably, YIAGA was launched as a student organization in 2007 at the University of Jos, Nigeria and has since established itself as a leading civil society organization in Nigeria, where it has leadership structures and members in all 36 states and 774 Local Government Areas (LGA) of Nigeria.²⁴ YIAGA focuses on promoting human rights and civic participation particularly among the youth.

The Forum for Young Parliamentarians in Nigeria played a crucial role in the push for the Not Too Young to Run campaign, which illustrates the important role a parliamentary youth caucus can play in advancing youth issues through policy and legislation.²⁵

3. United Kingdom

The United Kingdom has a bicameral parliament consisting of the House of Lords and the House of Commons. While members of the House of Lords are appointed by the Queen, members of the House of Commons are directly elected from single constituencies.²⁶

While the UK does not have legislated quotas for women, youth and ethnic minorities, political parties apply a system whereby candidates from these groups are nominated, trained and facilitated to contest for election in 'safe' constituencies, thus ensuring their representation and participation in Parliament.²⁷ Additionally, Parliament runs outreach programs with an aim of encouraging youth participation in political affairs. These include speaking engagements by the Hon. Speaker and MPs to schools, youth centers and communities, as well as hosting the annual Youth Parliament at the House of Commons where youth voice their concerns on diverse issues. This prepares young people for greater roles in the political arena.²⁸ The UK also has an All-Party Parliamentary Group on Youth Affairs which is the youth parliamentary caucus tasked with voicing youth affairs in the House of Commons.²⁹

4. Canada

The Parliament of Canada implements several innovative ways for getting young people interested in the work of and learn how to engage with the legislature either directly or indirectly. This includes hosting an annual weeklong 'Forum for Young Canadians' where the youth engage directly with MPs on policy of interest to them. The Forum is supported by active social media platforms on Facebook, Twitter and YouTube aimed at keeping the young people of Canada linked to and engaged with the national parliament.³⁰

To level the playground for all candidates during elections, including women, youth and ethnic minorities, Canada implements campaign financing laws limiting the amount of money political parties or individuals use to fund their campaigns, and providing financial assistance to disadvantaged political parties and independent candidates to bring them at par with their competitors. The law also addresses the issue of nomination charges and places limitations on donations from corporates and individuals to political parties or candidates.³¹

In enhancing youth inclusion in political processes, the Prime Minister of Canada set up a 20-member Youth Council that provides advice to the Prime Minister and his government. This has been replicated by MPs who have equally set up youth councils in their constituencies.³²

24 www.yiaga.org/who-we-are

25 Inter-Parliamentary Union (2018), op cit

26 www.parliament.uk

27 Ashiagbor (2008) Political parties and democracy in theoretical and practical perspectives: Selecting candidates for legislative office. National Democratic Institute, Washington DC. (Accessed at www.ndi.org)

28 <http://www.ukyouthparliament.org.uk/>

29 Inter-Parliamentary Union (2018), op cit

30 <https://www.parl.ca>


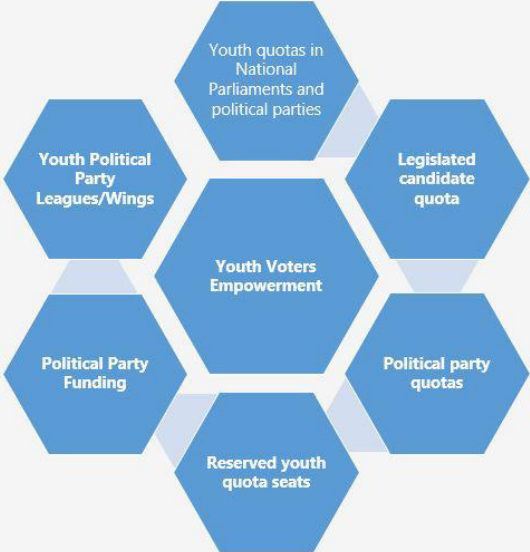
5. The Philippines

Philippines has a bicameral parliament comprising of a 24-member Senate and 304-member Congress. To ensure the representation of citizens from different sectors, including the youth, the Constitution and the Republic Act reserve 50% of the nomination slots in Congress to these groups. The positions are filled through political party lists with the number of seats determined by each party's electoral performance.³³

Best Practices from Comparative Jurisdictions

Countries around the world have adopted various practices to ensure the inclusion and participation of young people in legislatures and other democratic processes and institutions. Some of these are discussed below.

Best practices from comparative jurisdictions



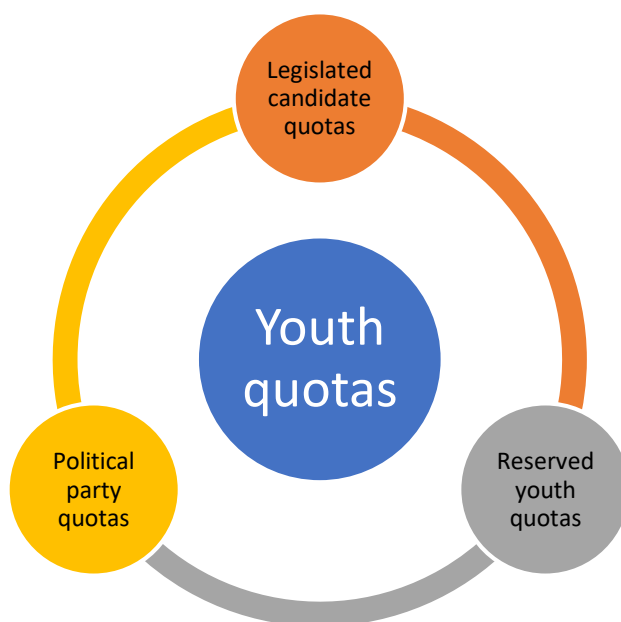
31 Election Expense Act of 1974.

32 Inter-Parliamentary Union (2018), op cit

33 Inter-Parliamentary Union (2018), op cit

a) Youth quotas in National Parliaments and political parties

Youth quotas refer to instances where constitutions, statutes or political parties' internal rules and procedures reserve specific slots to be contested or filled by young people. They are found in three main forms³⁴, namely legislated candidate quotas, where political parties are obligated to have a minimum number of youths in their party list of elective candidates as a qualification to participate in the election; political party quotas, where political parties themselves place internal youth quotas, sometimes as a result of advocacy and sensitization of the party leadership to factor in youth quotas; and reserved youth quota seats, where specific slots in legislatures are guaranteed for young people.³⁵



These quotas serve to give the elected or nominated youth an opportunity to create the networks and name for themselves and prove to the public that they can perform. Consequently, youth who are nominated or elected through the quotas system stand better chances of being elected in the ballot system in the next election if they perform and represent the youths well.

Recent examples from Kenya include: -

- i) Hon. Johnson Sakaja, nominated as Member of the National Assembly representing youth during the 11th Parliament, and elected to the 12th Parliament as the Senator for Nairobi City County;
- ii) Sen. Naisula Lesuuda, nominated as a woman Senator during the 11th Parliament, and elected as to the 12th Parliament as MP for Samburu West Constituency;
- iii) Sen. Martha Wangari, nominated as women Senator during the 11th Parliament, and elected to the 12th Parliament as MP for Gilgil Constituency.

b) Political Party Funding

Political parties' sources of funding are diverse ranging from the government contribution and private donations and contribution. Youth intending to contest for elective positions face the challenge

34 EU-UNDP (2017), Youth participation in Electoral processes. Handbook for Electoral Management Bodies. Accessed at <https://www.undp.org>

35 In Kenya, there are two guaranteed slots for youth in the Senate, pursuant to Art. 98(1(c) of the Constitution. Similarly, Uganda has a reservation of 5 seats for youth representatives selected from the National Youth Council, of which two are filled by young women.

of raising high nomination fees payable to political parties and electoral commissions, as well as to undertake campaigns, which effectively locks out majority of youth.³⁶

In some jurisdictions, such as Canada, concessions are made to ensure women, the youth and other minorities are able to compete on a fair level with other candidates, by regulating campaign financing, reducing or eliminating nomination fees for candidates from these groups, and providing financial assistance to disadvantaged political parties and candidates.³⁷

c) Youth Political Party Leagues/Wings

Youth political party wings support the manifesto and ideations of the political party they are in, and further serve to front youth issues into the party leadership. This also gives them bargaining power in party nominations and in funding of their own members through the networks they create as a unit. It also forms a platform for recruiting youth candidates, training and increasing the confidence of the young men and women who are new to active politics.³⁸ The EFF Youth Command and Students Command discussed earlier are a good example of how political party youth leagues can get more young people interested in and empowered to take part in elections and other democratic processes.

d) Democracy and Transparency in Political Parties

Transparency in party candidate selection and nomination are crucial to ensure that all candidates including the youth get their rightful position in the party and the necessary support during campaigns. One of the reasons cited for the low number of youth contesting in political party nominations is the chaotic and sometimes violent nature of the process.³⁹

When political parties hold transparent and fair nomination processes, where all candidates are given a fair opportunity to contest, the winner is issued the party ticket and support during the election, then more young people would venture into elective politics and eventually add to the number of youth elected to parliaments.

e) Youth Voters Empowerment

Youth aged 18 to 35 comprise the single largest demographic eligible to vote and contest for election to office. This is however not reflected in the number of candidates vying for election and those eventually elected to parliaments, thus bringing out the need for empowerment of the youth on the importance of participating in electoral processes, as well as equipping them with the skills and tools to effectively navigate these political processes.

This can be achieved by the government and political parties working with youth CSOs and the national youth councils both physically and using social media. The youths themselves should also come out and participate in the candidate selection process as candidates and voters. The campaign encouraging public discussions about youth participation in political affairs is also a way of sensitizing and mobilizing the youth.⁴⁰

36 The Youth Agenda (2013), op cit

37 Inter-Parliamentary Union (2018), op cit

38 EU-UNDP (2017), Youth participation in Electoral processes. Handbook for Electoral Management Bodies. Accessed at <https://www.undp.org>

39 The Youth Agenda (2013), op cit

40 Inter-Parliamentary Union (2018), op cit

f) Parliamentary Youth Programmes

Youth engagement programmes initiate a sense of responsibility and influence among the youths whose views are sought by the parliamentarians they engage with. There is also belief that when youth are engaged while young, they will remain engaged even as they grow to adulthood. Parliamentary youth programmes should, in this case, involve MPs taking the youth through the functions of parliament and the duties of the MPs. The engagement should go beyond the walls of parliament to the communities, both in and out of school, which will help capture a larger number of youths. In the UK for instance, the Speaker of the House of Commons has been very instrumental in meeting students in universities to engage on the roles of parliament and on his role as the Speaker of the House of Commons.

These outreach and engagement programmes create awareness and empower the youth to engage more on political and development agenda and could act as a mobilizing factor in encouraging young people to vote.⁴¹

g) Use of Social Media

Youths political aspirants should use social media platforms as a campaign tool since they are more accessible and appealing to the youth, in addition to reducing the cost of political campaigns. Young people can therefore leverage on this to take on older and better-resourced candidates. An case in point is a young parliamentarian from the United Arab Emirates who ran his campaign exclusively on social media platforms, reaching a wide audience at no cost, and eventually getting elected to Parliament.⁴²

41 Inter-Parliamentary Union (2012), Global Parliamentary Report: The changing nature of parliamentary representation. (Accessed at www.ipu.org)

42 Inter-Parliamentary Union (2018), op cit

THE LEGAL FRAMEWORK FOR YOUTH POLITICAL PARTICIPATION AND REPRESENTATION IN KENYA

International instruments

Under Article 2 of the Constitution, treaties and conventions ratified by Kenya form part of Kenyan law.⁴³ The Universal Declaration of Human Rights⁴⁴ and the International Covenant on Civil and Political Rights⁴⁵ guarantee the rights to political participation, including the right to join a political party, to vote, and to vie for office.

At the continental level, the African Youth Charter⁴⁶ provides for the right of youth to participate in all spheres of society and obligates States Parties to, among others, guarantee the participation of youth in parliament and other decision-making bodies; facilitate the creation or strengthening of platforms for youth participation in decision-making at local, national, regional, and continental levels of governance; and provide access to information such that young people become aware of their rights and of opportunities to participate in decision-making and civic life.

Evolution of the provisions on Youth Representation from 1963 to the 2010 Constitution

Legal Framework on Youth Representation – Retracing the steps

Version	On the representation of women, youth, PWDs and special interest groups	Special seats for Youth in the National Assembly	Special seats for Youth in the Senate
Pre-2010	12 Members in NA representing 'special interests' Parties required to consider gender equality Age limits of 35 years for Presidency and 21 years for MPs	0	0
CKRC Draft	Election by way of proportional representation One third of the members of each House shall be women Parties required to take into account representation of the disabled, youth and minorities	0	0
Bomas Draft	First time 'youth' defined (18 – 35) Parliamentary system	5% of the seats reserved for PWDs, youth, workers and minorities	8.5% of the seats reserved for PWDs, older members of the society, workers and other minorities (youth not included)
Wako Draft	Presidential system Youth defined as those aged 18 – 35 One principle of electoral system was the fair representation of the people generally, 'including the workers and the youth.'	5% of the total membership of Parliament to represent special interests, including those of the youth and workers	
CoE Harmonized Draft	General principles included gender equity in elected bodies; representation of persons with disabilities; and representation of the people, including workers, marginalized communities and the youth	7 members to represent marginalized communities/groups and workers; No explicit mention of youth	One elected person from each region (former provinces) representing PWDs and youth

43 GoK (2010), Constitution of Kenya

44 The United Nations (1948), Universal Declaration of Human Rights

45 The United Nations (1966), International Covenant on Civil and Political Rights

46 African Union (2006) African Youth Charter

a) The Independence Constitution

Kenya's pre-2010 Constitution provided for a 222-member single-chamber Parliament, with 210 being elected MPs representing constituencies, and 12 being MPs nominated to represent special interests. The term 'special interests' was however not defined, with political parties only required to take into consideration the principle of gender equality in making these nominations.⁴⁷

The Constitution was silent on the definition of youth and did not contain any provisions on youth representation and participation in political processes. An analysis of the persons nominated to Parliament from 1992 to 2013 revealed that, out of about 50 nominees,⁴⁸ only one was aged under 35 years,⁴⁹ representing approximately 2% of the total number of nominees.

b) The CKRC Draft Constitution (Ghai Draft)

The Constitution of Kenya Review Commission was established through the Constitution of Kenya Review Act of October 2000 and assumed office in December 2000. The Commission published a draft Constitution in September 2002, popularly known as the 'Ghai Draft',⁵⁰ together with a Report containing the views and input of Kenyans.⁵¹

The draft proposed a bicameral legislature comprising a National Council and National Assembly⁵² and made provision for the nomination to Parliament of persons representing the youth, persons with disability and minority groups. These would be nominated by political parties based on proportional representation.⁵³ The draft did not however contain a definition of youth. Notably, the draft further required that at least one third of the members of each House would be women.

c) The Bomas Draft

The CKRC draft was subsequently subjected to a National Constitutional Conference held at the Bomas of Kenya from March to August of 2003. The outcome document following this process, popularly known as the 'Bomas Draft', proposed a parliamentary system of government with a bicameral legislature comprising a National Assembly and Senate.

For the first time, youth were defined to comprise "the collectivity of all individuals in the Republic each of whom has attained the age of 18 years and has not attained the age of 35 years"⁵⁴ and further, were encompassed under marginalized groups⁵⁵. In line with this, there was an affirmative action measure to ensure that 5% of the seats in the National Assembly would be reserved for persons with disabilities, the youth, workers and other minorities.⁵⁶ In the present set-up, this would comprise about 20 Members of Parliament representing the four special interest groups. While there was no explicit mention of seats reserved for youth in the Senate, the draft did

47 GoK (1963), Constitution of Kenya, Section 33

48 Comprising of 12 MPs each nominated in 1992, 1997, 2002 and 2007, as well as nominations made to replace those who had vacated their seats during that period.

49 This was Hon. Njoki Ndung'u who was nominated by the National Rainbow Coalition (NARC) in 2002. Hon. Ndung'u sponsored the landmark Sexual Offences Act (No. 3 of 2006) and is presently a Justice of the Supreme Court of Kenya.

50 So named after Prof. Yash Pal Ghai who was the Chairperson of the CKRC

51 CKRC (2002), The Final Report of the Constitution of Kenya Review Commission and draft Constitution

52 CKRC (2002), Draft Constitution, section 105

53 Ibid, section 107

54 NCC (2003), Draft Constitution, section 307

55 Ibid, section 124A (2) (c)

56 Ibid, section 102(3)(a)

provide for eight and a half percent of those seats to be reserved for PWDs, older members of the society, workers and other minorities.⁵⁷ The draft also required political parties to 'respect the right of others to participate in the political process, including persons with disabilities, workers and other minorities'.⁵⁸

d) The Wako Draft Constitution

The Bomas Draft did not receive overall support from the then Parliament, leading to amendment of the Constitution of Kenya Review Act to allow the Attorney General to review the Bomas draft and come up with a version that would be subjected to a referendum. This draft, popularly known as the 'Wako draft', was published in 2005. In the draft, the parliamentary system proposed at Bomas was done away with in favour of a presidential system of government. The bicameral legislature was also abandoned in favour of a single-chamber parliament.⁵⁹ The draft retained the definition of 'youth' from the Bomas draft and provided for the nomination of members comprising 5% of the total membership of Parliament to represent special interests, including those of the youth and workers.⁶⁰ The draft further provided that the nominated Members would serve as such for not more than one term.⁶¹

The Wako Draft was rejected by the electorate in a referendum held in November 2005.

e) The Harmonized Draft Constitution

Following rejection of the 2005 draft Constitution and the post-election violence that rocked parts of Kenya following the disputed 2007 general elections, the Constitutional review process was revived with the setting up of a Committee of Experts ('CoE') to review the previous drafts and come up with a harmonized draft Constitution⁶² which was published on 17th November, 2009.

As with the earlier drafts, the Harmonized Draft Constitution required that the electoral system satisfy several general principles, among them gender equity in elected bodies; representation of persons with disabilities; and representation of the people, including workers, marginalized communities and the youth.⁶³ It set out the Electoral and Boundaries Commission (IEBC) as responsible for the promotion of free and fair elections, including the regulation of the process by which parties nominate candidates for elections.⁶⁴ On their part, political parties were obligated to respect the right of others to participate in the political process, including, persons with disabilities and other minorities.⁶⁵

When it came to representation of special interest groups in Parliament, the draft provided for election, to the Senate, of persons with disabilities or falling within the category of youth, elected one each by the regions.⁶⁶ The draft further provided for election to the National Assembly of seven members to represent marginalized communities, marginalized groups and

57 Ibid, section 102(3)(b)

58 Ibid, section 111(1)(e)

59 Charles Hornsby, *Kenya: A History Since Independence* 276

60 GoK (2005), *Wako Draft Constitution*, Article 116 (1) and (2).

61 Ibid, Article 116 (3).

62 GoK (2008), *Constitution of Kenya Review Act*, section 32(1)(a)(i)

63 GoK (2009), *Harmonized Draft Constitution*, Article 102 (b), (c) and (d)

64 Ibid, Article 112(2)(d)

65 Ibid, Article 114(1)(g)

66 Ibid, Article 125(1)(c). The draft Constitution contained regions which mirrored the former provinces, namely Coast, Easter, North Eastern, Rift Valley, Nyanza, Western, Central and Nairobi Metropolitan Region.

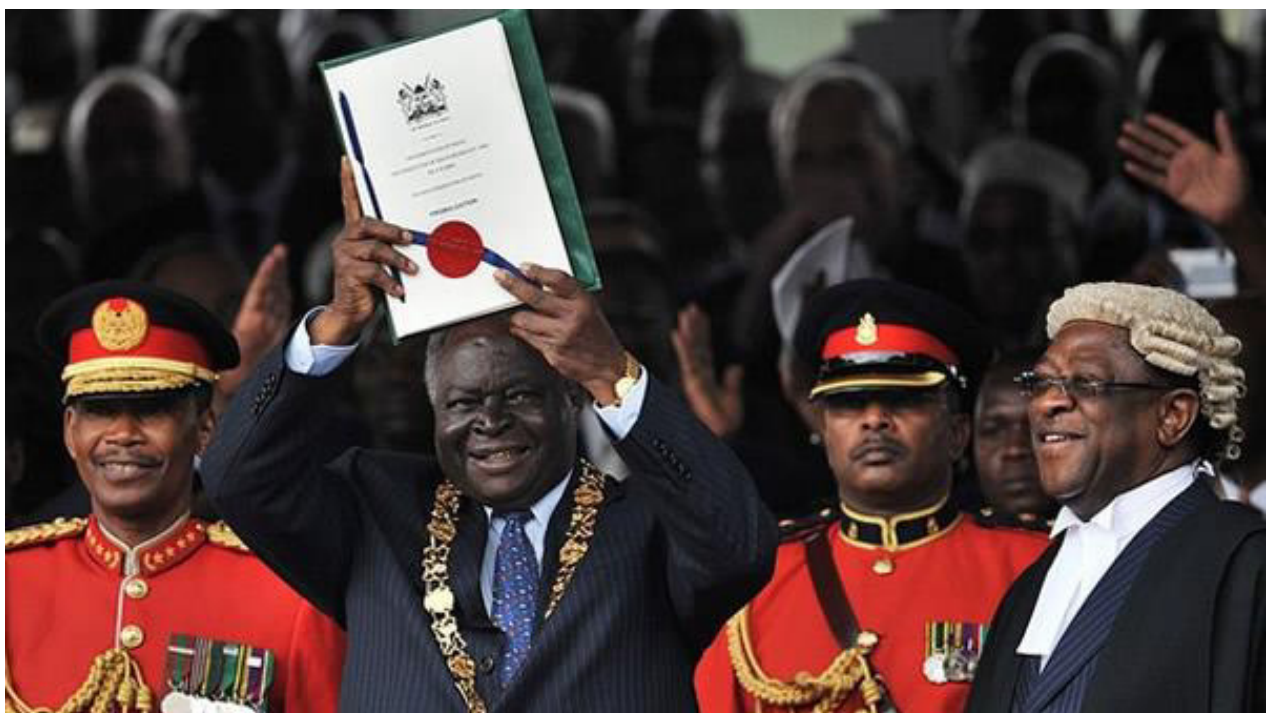
workers.⁶⁷ While specific provisions were made for women and persons with disabilities,⁶⁸ there was no explicit mention of the youth, who were in this case lumped together with marginalized communities, marginalized groups and workers.

In a departure from the Wako draft, the Harmonized draft provided for election of these nominees by way of electoral college as opposed to nomination by political parties. The draft however retained the provision requiring the members so elected to serve for not more than one term as specially elected MPs. It then mandated Parliament to enact legislation promoting the representation, in Parliament, of women, persons with disabilities, youth, ethnic and other minorities, and marginalized communities.⁶⁹

Following debate and receipt of comments thereon, the Committee of Experts submitted its Report and revised Harmonized Draft Constitution, to the Parliamentary Select Committee on the Review of the Constitution, on 8th January, 2010. In the revised draft, the positions of nominated Members representing special interests would now be filled through political party lists based on proportional representation.⁷⁰

f) The Constitution of Kenya 2010

The Constitution of Kenya 2010 was promulgated on 27th August 2010 by then President Mwai Kibaki in a colourful ceremony at Uhuru Park. This was after majority of Kenyans voted in favour of the Constitution on 4th August 2010. This constitution signified a great change for the people of Kenya as it represented their will and their desires.



67 Ibid, Article 126(1)(d)

68 Ibid, Article 126(1)(b) and (c)

69 Ibid, Article 128

70 CoE (2010), The Report of the Committee of Experts on Constitutional Review; p12

Under the 2010 Constitution, Parliament consists of the National Assembly and the Senate, each with a clearly defined mandate.⁷¹ Among the national values espoused at Article 10 of the Constitution are inclusiveness and protection of the marginalized, with Parliament obligated, at Article 100 thereof, to enact legislation promoting the representation of the youth and other special interest groups in Parliament.⁷²

Unlike the previous Constitution which placed age restrictions of 21 and 35 years for one to contest the positions of MP and President, respectively, the 2010 Constitution makes it open for any person aged 18 and above and registered as a voter to vote and contest for election to these positions, as well as those of Member of County Assembly or Governor. Special provision is made for the nomination of two Senators, one male and one female, to represent the youth⁷³ and for nomination of 12 MPs to the National Assembly to represent special interests including those of the youth, PWDs and workers. These members are nominated by parliamentary political parties according to their proportion of elected members in the National Assembly.⁷⁴ Incidentally, the term 'special interests' for the purposes of the members nominated to the National Assembly was not defined, neither did the Constitution specify the numbers or proportions in which the various special interest groups would share the 12 slots. The definition of the youth however remained unchanged from that contained in the Bomas and Wako drafts, namely any person aged above 18 years and below 35 years.⁷⁵

Legal Framework on Youth Representation – present

Constitution (2010)

- Key principle - inclusiveness and protection of the marginalized
- Youth defined as 18 – 35
- Age restrictions on vying for office removed
- 12 MNAs to represent special interests including those of the youth, PWDs and workers
- 2 Senators (one male and one female) representing youth
- Nominations by political party based on proportional representation

Elections Act and Regulations

- Role of IEBC in regulating and supervising the process by which parties nominate candidates
- Rules on preparation and submission of Party Lists
- Principles of non-discrimination against eligible candidates, inclusiveness, openness, transparency and accountability
- Duty of political parties to make nomination rules and procedures available and accessible to members of the party

Other Statutes and Initiatives

- Political parties' nomination and operational rules (Youth Leagues etc)
- The National Youth Council Act, 2009 (*proposed amendments*)
- The National Youth Policy, 2007 (*under review*)
- The National Youth Empowerment Strategic Plan (2016 – 2021)
- SDY, ORPP, NYC
- Kenya Young Parliamentarians Association (KYPA)
- Working Groups and Civil Society Organizations

71 GoK (2010), Constitution of Kenya, Articles 94, 95 and 96

72 A bill to give effect to this is presently before the National Assembly, namely the Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No. 52 of 2019), sponsored by Hon. Jeremiah Kioni, MP

73 GoK (2010), Constitution of Kenya, Art 98 (1)(c)

74 Ibid, Art 97(1)(c)

75 Ibid, Art 260

Impact of Selected Legislative Proposals on Youth Inclusion and Representation

At the time of preparing this report, two Bills likely to affect youth inclusion were under consideration by the National Assembly. These are briefly discussed below.

a) The Representation of Special Interest Groups Laws (Amendment) Bill⁷⁶

The Bill seeks to give effect to Article 100 of the Constitution, which requires Parliament to enact legislation to promote the representation in Parliament of women, persons with disabilities, youth, ethnic and other minorities, and marginalized communities.

A key aspect of the Bill is that it provides a definition of 'special interest groups' to refer to the five aforementioned groups set out at Article 100 of the Constitution. This would seal one of the loopholes in the Constitution that has been exploited, with regard to the twelve nomination slots in the National Assembly, to nominate persons not falling within any of the five categories. Among the proposals contained in the Bill is to amend sections 25 and 29 of the Political Parties Act⁷⁷ to provide that 20% of the Political Parties Fund is distributed based on the elected numbers of special interest groups, and to require political parties to publish the amount allocated and expended on the special interest groups. The effect of this would be to compel political parties to take specific measures to promote the representation in Parliament of special interest groups through civic education, capacity building, facilitating party candidates in campaigns and publicity,⁷⁸ including access to media coverage,⁷⁹ as this would have a direct bearing on the public funding that the party would be entitled to receive.

With regard to Political Party Lists for nomination of candidates, the Bill requires political parties, under the supervision of the IEBC, to ensure that not more than one third of candidates presented for election are of the same gender, and that not less than five percent are persons with disability.⁸⁰

The Bill further proposes to amend the Election Campaign Financing Act⁸¹ to require the IEBC to take into consideration candidates from special interest groups when prescribing spending limits applicable to election campaigns.⁸² This would imply keeping the limits low enough to a level where candidates from these groups would be able to compete with others on a level playing ground.

b) The Constitution of Kenya (Amendment) Bill⁸³

The Bill seeks to amend the Constitution to provide a mechanism for ensuring that not more than two-thirds of elected MPs are of the same gender, and that at least five percent of the members represent persons with disabilities. This is proposed to be achieved through, among others, amending Article 95 of the Constitution to increase the nomination slots to the National Assembly from twelve to twenty-two and reserving the said slots for persons with disabilities. The Bill then requires that, in filling the said slots, the nominations be representative of other special interests, including the youth and workers.

76 National Assembly Bill No. 52 of 2019. The Bill is sponsored by Hon. Jeremiah Kioni, MP, Chairperson of the Constitutional Implementation Oversight Committee

77 No 11 of 2011

78 The Representation of Special Interest Groups Laws (Amendment) Bill, clause 10

79 Ibid, clause 20

80 Ibid, clause 17

81 No. 42 of 2013

82 The Representation of Special Interest Groups Laws (Amendment) Bill, clause 17

83 National Assembly Bill No. 53 of 2019. The Bill is sponsored by Hon. Gladys Shollei, MP

The effect of this proposal would be to reverse the gains so far made on youth representation in that, in addition to diluting the percentage of positions reserved for youth in Parliament, it would also require that persons representing youth be, first and foremost, persons with disability.

Commentary on the impact of Kenya's legislative framework on youth inclusion in Parliament One aspect that emerges from the foregoing analysis is the absence of specific affirmative action provisions to address the under-representation of the youth in Parliament. While the Constitution reserves at least one third of the positions in Parliament to either gender or at least five percent of the positions to persons with disability, no similar provision exists guaranteeing the representation of the youth as a percentage of the total membership of Parliament. The only guaranteed slots, namely the two nomination slots in the Senate and at least one slot in the National Assembly, represent a meagre 0.7% of the total population in Parliament. It is estimated that youth (under the age of 35 years) comprise an estimated 78% of the country's population. The proposed Bill to give effect to Article 100 of the Constitution also does not go far enough in that, while guaranteeing the inclusion of more women and PWDs to Parliament, it does not contain any specific proposals that would address the under-representation of youth. Compared to persons with disability who comprise approximately 3.5% of Kenya's population⁸⁴ yet secured a guaranteed 5% representation in Parliament, and women who managed to secure the not less than one third representation, it would seem that the youth received a less than fair deal during the Constitution making process and the reviews that have taken place subsequently. Noting the number of youth MPs is decreasing with time instead of increasing,⁸⁵ it may be time to consider putting in place specific legislative provisions reserving a minimum percentage of positions in Parliament for the youth.

Role of IEBC and Political Parties in Promoting the Inclusion of Young MPs in Parliament

Political parties play a central role in determining the criteria for and selecting candidates for nomination to Parliament under the quotas reserved for special interest groups. In doing this, the Constitution requires that parties respect the right of all persons to participate in the political process, including minorities and marginalized groups.⁸⁶ These groups are defined at Article 100 of the Constitution to comprise women, persons with disabilities, youth, ethnic and other minorities, and marginalized communities.⁸⁷

On its part, the Independent Electoral and Boundaries Commission (IEBC) is mandated to conduct elections to elective bodies, and to supervise the process by which parties nominate candidates for elections.⁸⁸ This includes ensuring that party lists for nomination of specially elected MPs alternate between male and female candidates⁸⁹ and reflect the regional and ethnic diversity of the people of Kenya.⁹⁰

84 KNBS (2010), The 2009 Kenya Population and Housing Census: Population Distribution by Age, Sex and Administrative Units (Vol. 1C)

85 In the 11th Parliament there were 41 MPs aged 35 years and below, comprising 31 elected and 10 nominated MPs. This number reduced by 20% in the 12th Parliament whereby there are a total of 32 MPs aged 35 years and below, comprising 27 elected and 5 nominated MPs. The number of elected youth MPs dropped by 13% while that of nominated youth MPs dropped by 50%.

86 Constitution of Kenya 2010, Art 91(1)(e)

87 Ibid, Art 100

88 Ibid, Art 88 (4)(d)

89 Ibid, Art 90(2)(b)

90 Ibid, Art 90(2)(c)

Under the Elections Act⁹¹, a political party that nominates candidates for election is required to submit a party list with twelve members to be nominated to represent special interests in the National Assembly and two members to represent the youth in the Senate.⁹² The constitution or nomination rules of the political party determine the outcome of the party lists, meaning that those nominated have to already be members of such a political party.⁹³ In preparing the party lists, political parties must comply with the principles of non-discrimination against eligible candidates, inclusiveness, openness, transparency and accountability.⁹⁴

It is on the basis of these lists that, once the general election results are declared, the IEBC designates the specially elected MPs on the basis of proportional representation.⁹⁵

This places political parties at the center of promoting the inclusion of young people in Parliament, by ensuring that the party lists for nomination of the 12 Members to the National Assembly, as well as nominees to the Senate representing women and PWDs, have a fair share of persons under the age of 35.

For instance, the TNA nomination rules for 2013 provided that the party list for Senate women nominees would alternate between a woman youth and an older woman, which assured half of the nomination slots under this category would go to young women. Additionally, the National Assembly party list would alternate between a man and a woman with the first 4 nominees representing Youth, PWDs and workers and that, of the 12 names, there must be at least 2 nominees each representing youth, PWDs and workers.⁹⁶

Although the other main parties during the 2013 elections did not have similar provisions in their nomination rules, the parties did include young people in their party lists for nomination to Parliament. Consequently, during the 11th Parliament, there was a total of ten nominated Youth MPs, of whom two were the youth nominees to the Senate, one was the youth nominee to the National Assembly, and the other seven were nominated representing women, PWDs and other marginalized groups.

This changed dramatically during the 12th Parliament whereby, other than the specifically legislated quotas for youth in the National Assembly and the Senate, only an additional two youth MPs were nominated under the other categories, to bring the total to five. This marked a drop of 50% from the 11th to the 12th Parliament and illustrates the important role that political parties can play, through their respective nomination procedures, to enhance the number of young people in Parliament.

Legislative and Institutional Arrangements Supporting the Work of Youth Parliamentarians

a) The Kenya Young Parliamentarians Association (KYPA)

The KYPA is the caucus that brings together young MPs from the Kenya parliament, both the National Assembly and the Senate, to collate and effectively articulate youth issues through advocacy and legislation. The caucus supports youth MPs through, among others, continuous mentorship and capacity building, policy and legislative research, as well as providing an avenue for young MPs to network and support one another.

The KYPA is credited with advocating for and supporting legislation on, among others, review of the Public Finance Management Act to operationalize UWEZO Fund and Youth Fund; amendment of procurement laws to reserve one third of all government tenders for women, youth and persons

91 No. 24 of 2011

92 Ibid, section 34(3)

93 Ibid, section 34(8)

94 The Elections (Party Primaries and Party Lists) Regulations 2017, section 4

95 The Elections Act, section 36(4)

96 The Youth Agenda (2013)

with disability; enactment of the National Employment Authority Act, and establishment of the Ajira platform.

b) The National Youth Council

The National Youth Council (NYC) is established by the National Youth Council Act⁹⁷ with the mandate to, among others, lobby for legislation on issues affecting the youth; act as a voice and bridge to ensure that the Government and other policy makers are kept informed of the views and aspirations of the youth; and, promote research, collation and analysis of data on youth issues.⁹⁸

With a structure extending to the grassroots where NYC delegates are directly elected by youth in the counties, the NYC can play a central role in collating issues of concern to the youth and sharing these with Youth MPs to address them through the various legislative and oversight tools.

c) The Kenya Youth Development Policy (2018)

This policy is part of the national government's policy commitment for a greater cohesive society, equitable, inclusive and participatory economic and social process for sustainable development. This policy supersedes the Kenya Youth Development Policy 2007. It also outlines policies that aim to remove obstacles to youth participation in political, economic and social development. It provides that the Government, in collaboration with key stakeholders, has an obligation to provide a supportive environment where youth leadership abilities can be nurtured, and national values entrenched among the youth.⁹⁹

d) Working Groups and Civil Society Organizations

There are various non-governmental organizations that offer support to Youth Parliamentarians through the various programmes they offer. Such organizations either focus fully on issues revolving around the youth or have designated programmes to cater for such matters. Among these are the Kenya Youth Senate, ActionAid Kenya, Africa Youth Trust, Youth Alive Kenya, Siasa Place and Youth Agenda.

The programs run by these CSOs aim to, among others, inspire young people to make positive contributions to their communities, the nation and to the world; support youth networks and facilitate political participation by youth living in poverty and exclusion; audit and monitor the execution of policies relating to the youth; advocate for youth responsive policies and legislation; document and gather information on youth-gearred policies; build the capacity of youth leaders and youth groups to engage county governments and demand their inclusion in decision-making; and to empower the youth to demand transparency and good governance from their leaders.

CHAPTER 4

ANALYSIS OF THE INCLUSION AND PARTICIPATION OF YOUTH MPS DURING THE 11TH AND 12TH PARLIAMENTS

Overview

Parliament is vested with three key mandates, namely representation, legislation and oversight. Members of Parliament discharge these by way of several tools, among them Bills, Motions, Questions/ Statements and Petitions, as well as inquiries or investigations by House Committees. This Chapter highlights some of the contributions of Youth MPs during the term of the 11th Parliament and the first two years of the 12th Parliament.

Pointers on Youth Representation in 5 sets of numbers

1/48

The number of Nominated MPs aged 35 and below between 1992 and 2013

(Hon. Njoki Ndung'u – 2003)

4/12

The number MPs aged 35 and below nominated to the National Assembly in 2013

(Hon. Johnson Sakaja, Hon. Isaac Mwaura, Hon. Zulekha Juma, Hon. Janet Teiyaa)

6/18

The number of MPs aged 35 and below nominated to the Senate in 2013

(Sen. Halima Abdille, Hon. Naisula Lesuuda, Hon. Joy Gwendo, Hon. Martha Wangari, Sen. Daisy Kanainza, Sen. Hosea Onchwangi)

1/12

The number MPs aged 35 and below nominated to the National Assembly in 2017

(Hon. Gideon Keter)

4/18

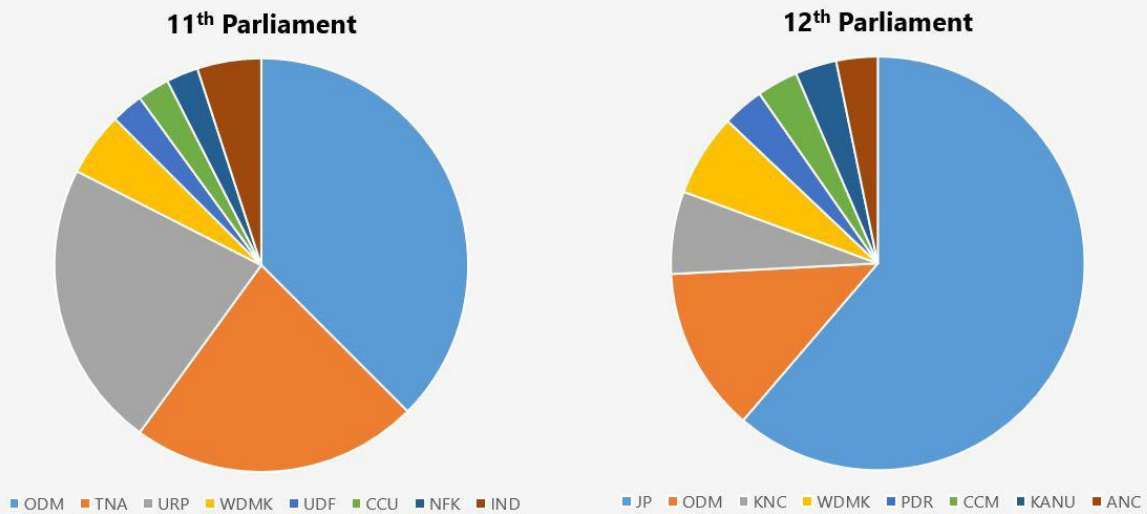
The number of MPs aged 35 and below nominated to the Senate in 2017

(Sen. Beatrice Kwamboka, Sen. Millicent Omanga, Sen. Mercy Chebeni, Sen. Victor Prengel)

- The number of Youth nominated to Parliament dropped by 50% between 2013 and 2017
- Unless compelled, political parties will not give priority to nomination of youth MPs

During the 11th Parliament, there were forty-one MPs aged 35 years and below. Of these, thirty-one were elected while ten were nominated; thirty-one were Members of the National Assembly while ten were Senators; and, twenty-eight were men while thirteen were women. ODM contributed the highest number of youth MPs, at sixteen, followed by TNA and URP with nine youth MPs each. WDM had two MPs, UDF, NFK and CCU one each, and two of the youth MPs were Independent.

Distribution of Youth MPs by political party

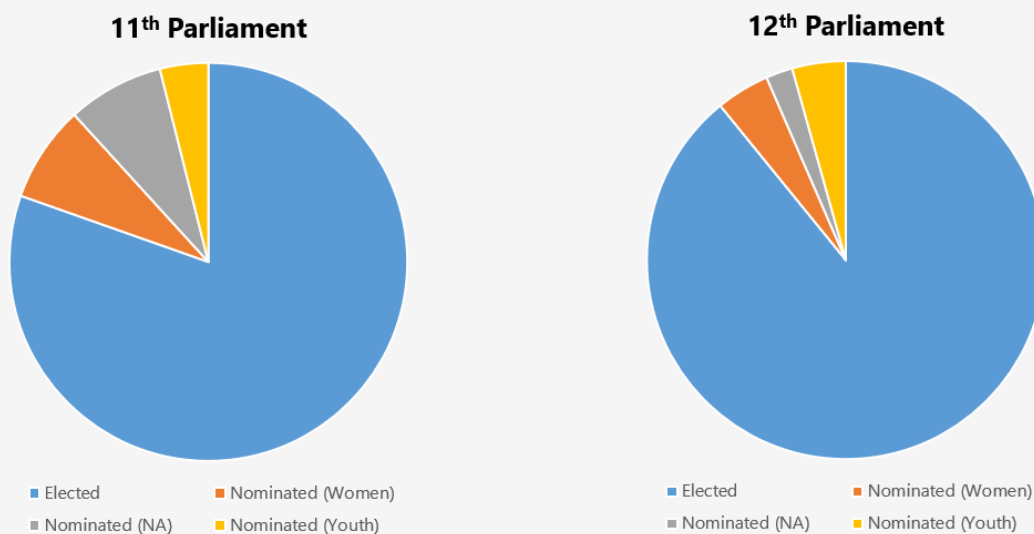


In the 12th Parliament, there are thirty-two MPs aged 35 years and below. Of these, twenty-seven are elected while five are nominated; twenty-four are Members of the National Assembly while eight are Senators; and, twenty-four are men while eight are women.

Mode of election of youth MPs to Parliament

Election as Members of Parliament representing counties or constituencies remains the greatest contributor to youth getting into Parliament, accounting for 80.4% of youth MPs in the 11th Parliament and 89.1% in the 12th Parliament. This is followed closely by youth MPs nominated under the provision for nominated women Senators, the provision for nominated Members of the National Assembly, and the provision for nomination slots in the Senate for persons representing the youth. The latter remains constant.

Direct election –vs- nomination of Youth MPs



'youth quotas have little or no effect as they are 'too low and too selectively applied to bolster the legislative presence of youth'

Overall, youth MPs comprised 9.8% of the total membership of Parliament during the 11th Parliament and dropped to 7.7% during the term of the 12th Parliament. The largest drop was in the number of nominated youth MPs, from ten to five, marking a 50% drop, with the number of elected youth MPs dropping by 13% from thirty-one to twenty-seven.

Leadership Roles Exercised by Youth MPs

There are several levels of leadership roles in Parliament, starting with the Parliamentary Service Commission (PSC),¹⁰⁰ which is responsible for the overall functioning of the institution of Parliament, House leadership positions, leadership of Committees, membership of the Speakers Panel responsible for presiding over the House, and leadership of delegations to inter-parliamentary organizations.

During both the 11th Parliament and the 12th Parliament, there has been one youth MP serving in the PSC, namely Hon. Gladys Wanga and Sen. Aaron Cheruiyot, respectively. This is critical for ensuring that youth have a seat at the apex body in Parliament, and that the unique needs and interests of youth MPs are ably canvassed at the Commission.

In terms of House leadership positions, the key roles are those of the Speaker and Deputy Speaker; Majority Leader, Minority Leader and their deputies; Majority Whip, Minority Whip and their deputies; as well as members of the Speakers Panel/Presidium who assist the Speaker in presiding over the respective House. During the 11th Parliament, youth MPs held the positions of Deputy Majority Leader¹⁰¹ and member of the Speakers Panel¹⁰² in the Senate. In the 12th Parliament, youth MPs hold the position of Deputy Minority Leader¹⁰³ in the Senate.

At the Committee level, seven youth MPs served as Committee chairpersons at various points during the 11th Parliament, as set out below: -

Member	House	Committee
Hon. Soipan Tuya, MP	National Assembly	Implementation
Hon. Sabina Chege, MP	National Assembly	Education, Research and Technology
Hon. Priscilla Nyokabi, MP	National Assembly	Justice and Legal Affairs
Sen. Kipchumba Murkomen, MP	Senate	Devolved Government
Sen. Stephen Sang, MP	Senate	Delegated Legislation
Hon. Johnson Sakaja, MP	Joint Committee	National Cohesion and Equal Opportunity
Sen. Naisula Lesuuda, MP	Joint Committee	Parliamentary Broadcast and Library

In the 12th Parliament, Sen. Samson Cherarkey chairs the Senate Committee on Justice, Legal Affairs and Human Rights; Sen. Johnson Sakaja chairs the Senate Committee on Labour and Social Welfare and is vice-Chair of the Senate Committee on National Security, Defence and Foreign Relations; while Hon. Naisula Lesuuda chairs the National Assembly Committee on Regional Integration.

Sponsorship of House Business

Youth MPs contribute to the legislative and representative mandate of Parliament by sponsoring and debating Bills, sponsoring Motions for resolution on various topical issues, addressing Questions or requests for statements to Cabinet Secretaries and House Committees, and through the submission of public petitions on issues and concerns brought on behalf of their constituents.

100 The Commission is established at Article 127 of the Constitution and is responsible for, among others, providing services and facilities to ensure the efficient and effective functioning of Parliament; constituting offices in the parliamentary service, and appointing and supervising office holders; and preparing and exercising control over the budget of Parliament.

101 Sen. Kipchumba Murkomen, MP

102 Sen. Stephen Sang, MP

103 Sen. Beatrice Kwamboka, MP

While Members of Parliament also participate in the work of Committees, it was not possible to assess their contribution within the context of this study. This was due to challenges in accessing data from Parliament on Members' attendance of Committee sittings, as well as minutes and Hansard records of the committee sittings which would indicate their contributions during the meetings. Further, the study did not cover the contributions of Members outside Parliament, for instance in implementation of projects under the National Government Constituency Development Fund (NG-CDF).

Summary of contribution by Youth MPs during the 11th and 12th Parliaments

	Bills	Motions	Questions/ Statements	Petitions
11 th Parliament (2013 – 2017)	27	21	67	21
12 th Parliament (2017 – 2019)	17	11	65	22

During the 11th Parliament, youth MPs sponsored a total of 27 Bills, 21 Motions, 67 Questions/Statements, and 21 Petitions. In the first two years of the 12th Parliament, youth MPs have sponsored a total of 17 Bills, 11 Motions, 65 Questions/Statements, and 22 Petitions.

a) Bills

Bills sponsored by Youth MPs during the 11th Parliament

- 1 Youth MPs sponsored a total of **27 Bills** during the 11th Parliament
- 2 **Sen. Martha Wangari** and **Sen. Stephen Sang** led with four Bills each, followed by Hon. Johnson Sakaja and Hon. David Ochieng with three Bills each
- 3 **15 Youth MPs** sponsored at least one Bill each during the 11th Parliament
- 4 A number of the Bills sponsored by Youth MPs were **youth-focused**, among them National Youth Employment Authority Bill, the Kenya Uwezo Fund Bill, the Breastfeeding Mothers Bill, the Higher Educations Loans Board (Amendment) Bill and the Public Procurement and Disposal (Amendment) Bill (AGPO)



Parliament makes and amends laws by way of Bills, which are drafted and presented for consideration by Members in accordance to the law and the standing orders of the respective House. Once passed, a Bill is presented to the President for Assent, following which it is published as an Act of Parliament.

Bills sponsored by Youth MPs during the 12th Parliament

- 1 In the first two years of the 12th Parliament, Youth MPs have sponsored a total of **17 Bills**
- 2 **Sen. Aaron Cheruiyot** is leading with 5 Bills followed by **Sen. Johnson Sakaja** with 3 Bills and **Sen. Samson Cherarkey** with 2 Bills.
- 3 In the National Assembly, the following Youth MPs have sponsored **one Bill each**: Hon. Alexander Kimutai, Hon. Benjamin Mwangi, Hon. Gideon Keter, Hon. Martha Wangari and Hon. Ndindi Nyoro
- 4 In the Senate, Sen. Isaac Mwaura, Sen. Beatrice Kwamboka and Sen. Mercy Chebeni have also sponsored **one Bill each**
- 5 Compared to the same period during the 11th Parliament, Youth MPs have done much better in sponsoring legislation despite their lower numbers



By having a seat at the table, youth MPs not only ensure that the youth perspective is incorporated during debate on Bills sponsored by other Members, but are also able to propose and introduce legislation for consideration and passage by Parliament. Some of the significant pieces of legislation introduced by Youth MPs are outlined below:

Selected legislation sponsored by Youth MPs

The County Governments (Amendment) (No. 2) Act (No. 17 of 2016) – Sen. Martha Wangari, MP

- Made it mandatory for all nominated MCAs to be sworn in at the same time as their elected colleagues before any assembly holds its first sitting.
- Previously, the elected MPs would elect the leadership of the House and Committees before nominated MPs were sworn in, thus excluding women, youth, PWDs and other marginalized groups from electing persons to or holding leadership positions

The National Employment Authority Act (No. 3 of 2016) – Hon. Johnson Sakaja, MP

- Established the National Employment Authority, giving effect to Articles 55(c) and 56(b) of the Constitution, which require the State to take measures to ensure that the youth access and are afforded adequate opportunities in employment.
- The National Employment Authority was subsequently established
- Also advocated for full implementation of the legal requirement for women, youth and PWDs to access 30% of Government Procurement opportunities

The National Youth Council (Amendment) Bill (NA Bill No. 8 of 2019) – Hon. Gideon Keter, MP

- The Bill proposes to amend the National Youth Council Act to depoliticize the membership of the Council, by allowing the competitive recruitment of the youth serving in the council
- The Bill is undergoing stakeholder engagement

A complete schedule of Bills sponsored by Youth MPs during the 11th Parliament and during the first two years of the 12th Parliament is annexed to this Report as Annexes 1 and 2.

b) Motions

A motion is a self-contained proposal submitted for the approval by a House of Parliament and is drafted in such a way as to be capable of expressing a decision of the House. As opposed to procedural Motions, which are drafted and considered in the ordinary course of parliamentary proceedings, a substantive Motion is normally drafted at the initiative of an MP with the objective to secure a House resolution on the matter.

Motions sponsored by Youth MPs during the 11th Parliament

- 1 Youth MPs sponsored a total of **21 substantive Motions** during the 11th Parliament. This does not include procedural Motions.
- 2 **Hon. Isaac Mwaura** led with 3 Motions, followed by Hon. David Ochieng, Hon. Gladys Wanga, Hon. Ken Obura, Hon. Zulekha Juma and Sen. Naisula Lesuuda, each with 2 Motions
- 3 Other Youth MPs who sponsored Motions during the term included Hon. Wesley Korir, Hon. David Kangogo Bowen, Hon. Gladys N. Wanga, Hon. Ken Obura, Hon. Zuleikha Juma, Sen Halima Abdille, Sen. Isaac Melly and Sen. Joy Gwendu
- 4 Motions, once debated and approved, result in a **House resolution** which it is then transmitted to the relevant government agency for implementation



Motions sponsored by Youth MPs during the 12th Parliament

- 1 In the first two years of the 12th Parliament, Youth MPs have sponsored a total of **11 substantive Motions**
- 2 **Sen. Aaron Cheruiyot** and **Sen. Beatrice Kwamboka** lead with 2 Motions each. Other Youth MPs who have sponsored Motions include Hon. Catherine Waruguru, Hon. Didmus Barasa, Hon. Gideon Keter, Hon. Martha Wangari, Hon. Silvanus Ogoro, Sen. Mercy Chebeni and Sen. Millicent Omanga
- 3 Among the topics addressed in the Motions by Youth MPs are establishment of a fund to cater for cancer treatments and care; **Commendation of Eliud Kipchoge** and other athletes for their stellar performance; street families' rehabilitation and reintegration at county level; and development of effective outreach and other mental health programmes targeting Kenyans in remote areas and learning institutions



A complete schedule of substantive Motions moved by Youth MPs during the 11th Parliament and during the first two years of the 12th Parliament is annexed to this Report as Annexes 3 and 4.

c) Petitions

A petition is a written prayer to the Senate or the National Assembly under Articles 37 and 119 of the Constitution. It may be submitted by an individual member of the public or by a group, requesting the House to consider any matter within its authority as contemplated in Articles 94, 95 and 96 of the Constitution including enacting, amending, or repealing any legislation. At times, members of the public approach their MP to help with drafting and presentation of a Petition before Parliament on a matter of interest or concern to them.

Petitions sponsored by Youth MPs during the 11th Parliament

- 1 Art. 119 of the Constitution grants to every Kenyan the **right to petition Parliament** to consider any matter within its authority, including to enact, amend or repeal any legislation.
- 2 During the 11th Parliament, Youth MPs facilitated the presentation of **21 Petitions**. Leading with six Petitions was **Hon. Irungu Kang'ata**, followed by Hon. Isaac Mwaura and **Hon. Sabina Chege** with four and two Petitions each, respectively
- 3 Among the topics addressed in the Petitions were abolition of Class 8 examination fees and introduction of free school feeding programme for all public primary school pupils; recognition of persons with gender identity disorders; and the working conditions of employees in large-scale flower farms
- 4 Other Young MPs who sponsored Petitions during the term include Hon. Alfred Keter, Hon. George Oner, Hon. Kinoti Gatobu and Sen. Stephen Sang'



Petitions sponsored by Youth MPs during the 12th Parliament

- 1 During the first two years of the 12th Parliament, Youth MPs have sponsored a total of **22 Petitions**, which is higher than the number sponsored by Youth MPs during the entire term of the 11th Parliament
- 2 **Hon. George Theuri** leads with five Petitions, followed by **Sen. Samson Cherarkey** with three; Hon. Alfred Keter, Hon. Didmus Barasa, Hon. Nixon Korir, Hon. Patrick Ntwiga and Hon. Simba Arati follow with two Petitions each.
- 3 Other Young MPs who sponsored Petitions during the term include Hon. Gideon Keter, Hon. Tindi Mwale, Sen. Johnson Sakaja, Hon. Bowen Kangogo
- 4 Once a Petition is presented in Parliament, it is referred to the relevant Committee which investigates the matter and tables its Report thereon within **60 days**. A copy of the Report is then forwarded to the Petitioner, as well as to government agencies responsible for implementing the resolutions contained therein.



A complete schedule of Petitions presented by Youth MPs during the 11th Parliament and during the first two years of the 12th Parliament is annexed to this Report as Annexes 5 and 6.

d) Questions/ Statements

A statement comprises general pronouncements by any MP on issues of topical concern or a statement sought/ Question asked by a Member from a Cabinet Secretary or Committee Chairperson, relating to the matters under the mandate of the CS or Committee. Questions/ Statements provide an excellent avenue for holding the Executive to account, and are mirrored on the practice in Commonwealth jurisdictions where the Prime Minister and Cabinet appear before Parliament to directly respond to questions from Members.

Questions/ Statements by Youth MPs during the 11th Parliament

- 1 Questions and requests for Statements are used by MPs in their representative role to **elicit information** or **prompt for action** on the part of the Executive.
- 2 MPs may also issue statements on **issues of concern to their constituents**, to report on the activities of Committees, or to explain matters of a personal nature.
- 3 During the 11th Parliament, Youth MPs sought or issued a total of 67 Statements on diverse subject matter. **Sen. Martha Wangari** led with thirteen statements, followed by **Stephen Sang** and **Sen. Naisula Lesuuda** with nine and five statements, respectively.
- 4 In the National Assembly, Hon. Sabina Chege, Hon. Priscilla Nyokabi, Hon. Isaac Mwaura, Hon. David Ochieng and Hon. Shukran Gure tied at 3 statements/ questions each



Questions/ Statements by Youth MPs during the 12th Parliament

- 1 During the first two years of the 12th Parliament, Youth MPs have asked questions, sought for statements or issued statements a total of **65 times**, which is almost equal to the number processed by Youth MPs during the entire term of the 11th Parliament.
- 2 **Sen. Johnson Sakaja** leads with thirteen statements, followed by **Sen. Beatrice Kwamboka** with eleven and Samson Cherarkey with eight. Others Youth Senators who have made great use of Statements include Sen. Mercy Chebeni (six), Sen. Anuar Loitiptip (six) and Sen. Victor Prengei (three).
- 3 In the National Assembly, Hon. Benjamin Gathiru, Hon. Caleb Amisi and Hon. Tindi Mwale tied at 2 questions each.
- 4 Some of the matters addressed through Questions/Statements have included **youth unemployment** in Kenya; the state of emergency medical care in Kenya; the rising incidences of deaths in schools, among others



A complete schedule of Questions asked/ Statements sought by Youth MPs during the 11th Parliament and during the first two years of the 12th Parliament is annexed to this Report as Annexes 7 and 8.

Snapshot of voices from key informants

Youth MPs

- We do not receive the required support from our political parties and other stakeholders;
- We are overlooked when it comes to appointment to leadership positions, and ignored in the House during critical debates;
- We are doing our best in the circumstances

Youth

- It is so difficult to access or engage with Youth MPs. They appear to be too busy with other things;
- Some of the Youth MPs have no interest in youth matters or even the work of Parliament;
- Parties should nominate people who are already active in youth matters and are ready to work from day 1

A Presiding Officer

- Some of the Youth MPs are invisible. You never see them in the House. And when you do, they just sit at the back and don't request to speak

Political parties

- Most youth do not join political parties or engage in party activities until it is the time for election;
- They have no right to complain when someone who has been active is nominated;
- The law on nominations is not very clear. We are left to each formulate our own rules

Youth MPs experience a number of challenges in the discharge of their work, but are also able to leverage on the opportunities available, such as the use of technology, to effectively carry out their mandate. From the interviews undertaken, a key challenge that young MPs pointed out was that Parliamentary tradition seems to favour longevity, whereby Members who have served for long periods of time and are experienced in parliamentary affairs are given priority both during debates in plenary as well as in other work of Parliament. In addition, some older Members have negative perceptions of youth MPs and look down upon them. This makes it difficult to discharge their work on an equal footing with the counterpart MPs.

This matter did arise in plenary in the National Assembly on Thursday, 30th June, 2019 where, following a query by the Leader of the Majority Party as to why youth MPs were missing from the Chamber. A young MP pointed out that part of the reason youth MPs didn't always attend proceedings was that they felt the presiding officer was biased against them when it came to allocating speaking time during key debates, whereby they would not be given the opportunity to speak, compared to the older members.¹⁰⁴ On the other hand, one of the presiding officers interviewed mentioned that some young MPs do not appear keen to debate in the House and, once in the Chamber, they retreat to the back benches and do not request to speak.

¹⁰⁴ The clip may be found on the following link: <https://www.youtube.com/watch?v=H72lWswSs4o&t=1s> (Accessed on October 20, 2019)

FINDINGS AND RECOMMENDATIONS

This chapter contains the findings of the study and recommendations addressed to the various actors. It consolidates the feedback received from the interviews as well as the validation meeting with stakeholders.

a) On the nomination of persons to represent the youth in the National Assembly and the Senate

Issues/Findings	Recommendations
The legislated youth quota at Articles 98(1)(c) and 97(1)(c) is too low to make a meaningful impact on youth inclusion and representation	KYPA/ CSOs – advocate for review of the Constitution to set a minimum number of youth MPs as a percentage of the total membership of Parliament, as is the case for women/gender and PWDs. ¹⁰⁵
	Political parties – apply internal rules to promote the nomination of youth MPs, particularly women, by alternating the nomination list for women Senators ¹⁰⁶ between a young woman and an older woman; and the nomination list for the National Assembly ¹⁰⁷ between a man, woman, and youth MP
The absence of a definition for what constitutes ‘special interests’ under Art 97(1)(c) of the Constitution has left the provision open to abuse by political parties in nominating MPs	Parliament – enact legislation giving effect to Art 100 of the Constitution and restricting nominations under Art 97(1)(c) to the special interest groups under Art 100 ¹⁰⁸
The lack of a legislated criteria for nomination of youth MPs has left political parties to formulate their own rules. This has resulted to nomination processes lacking transparency and where the nominated candidates are viewed as undeserving of those positions	Political parties – ensure transparency in the nomination process for youth MPs, including publicizing the criteria, call for applications and the interview/selection process ¹⁰⁹
	Political parties – encourage competition to determine the best candidate and thus improve on the quality of persons nominated to Parliament
The Constitution does not clearly stipulate that the person/s	IEBC/Parliament – amend the Elections Act and the Elections (Party Primaries and

105 The Inter-Parliamentary Union (IPU) recommends that Parliaments work towards achieving a target of 15%, 35% and 45% respectively, for MPs aged under 30, 40 and 45 years, by the year 2035

106 Constitution of Kenya, Article 98(1)(b)

107 Ibid, Article 97(1)(c)

108 Article 100 defines marginalised groups to comprise ‘women, persons with disabilities, youth, ethnic and other minorities, and marginalised communities’ and requires Parliament to enact legislation to promote the representation of these groups in Parliament

109 Among the recommendations made in this regard were that there should be evidence of at least three years’ prior engagement in advocacy and youth issues, active participation in the party youth league for a specified period of time, and that the youth members of the respective party should have a hand in selecting their nominee.

nominated to represent the youth in Parliament must be youth themselves, i.e. aged below 35 years	Party Lists) Regulations to seal that loophole
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b) On enhancing the number of youth MPs directly elected to Parliament

Issues/Findings	Recommendations
Young people lack the money, influence and networks to effectively compete against older more established and better resourced candidates	Parliament/IEBC – formulate and approve Regulations under the Election Campaign Financing Act (No. 42 of 2013) to create a level playing field for all candidates
	Parliament/ORPP – create incentives for political parties to support and field women and youth candidates in elections, by providing that 20% of the Political Parties Fund is distributed based on the elected numbers of special interest groups ¹¹⁰
	Political parties/IEBC – lower the nomination fees for youth and members of other special interest groups during elections
	KYPA – document and showcase the achievements and impact of youth MPs. This will help change voter mindsets and promote the election of more young MPs
Political party nomination processes are chaotic and lack transparency thus discouraging many young people, particularly women, from participating either as candidates or voters.	Young people – leverage on the power of social media and emerging technology to enhance publicity and undertake campaigns at lower costs
	Political parties – streamline nomination processes to infuse good order and transparency, thus encouraging young people to participate
	IEBC – in its supervisory role over political party nominations, ensure strict compliance by political parties with the applicable laws and their nomination rules
Political parties mistrust young candidates, whom they perceive as	Young people – register as members of political parties and participate in the nomination processes, so as to have more youth on the ballot and eventually being elected to Parliament
	Political parties – have in place strong youth leagues which would facilitate mentoring, vetting, grooming and training

109 This proposal is contained in the Representation of Special Interest Groups Laws (Amendment) Bill (National Assembly Bill No. 52 of 2019) presently under consideration by Parliament

lacking loyalty and dependability as compared to older politicians	of youth from the party ranks to run for office Young people – join political parties’ youth leagues and actively participate in party activities while building networks and goodwill within the party
Young people lack the civic awareness and skills to effectively participate in political processes, including party nominations and elections. They also lack a clear appreciation of the work of Parliament and the importance for youth inclusion and representation in Parliament	Parliament/KYPA – undertake outreach programs to young people in universities, colleges and communities on the work of Parliament and the need for civic participation by the youth
	Parliament/KYPA – initiate an annual national Youth Parliament where selected youth from across the country hold a mock session in Parliament to debate youth issues, and thereafter have the resolutions considered by the respective House committees
	Political parties – prioritize leaders in the party youth league to Parliament, so as to encourage other young people to become active in party activities ¹¹¹
Cultural beliefs and practices hinder the election of young people in certain parts of the country, eg the belief that a young unmarried woman cannot be a leader	Political Parties – undertake regular recruitment drives for members, including those in schools, colleges and universities, as a way of developing their interest in political leadership and participation
	CMD/CSOs – undertake programs on civic awareness and engagement among the youth, including capacity building on areas such as personal branding, financial mobilization and campaign strategy
	CSOs – undertake campaigns to change cultural beliefs and mindsets that undermine the election of young people, particularly women, into leadership positions

110 One respondent mentioned that when a person who has not been active in the party is nominated ‘from nowhere’ to represent youth in Parliament, then the other young people who have been active in the party lose meaning for why they should continue being active members

c) On linkages, challenges and opportunities to effective discharge by Youth MPs of their Constitutional mandate

Issues/Findings	Recommendations
<p>Parliamentary traditions, practices and procedure take time to master, and youth MPs feel disadvantaged as compared to older more experienced colleagues. There is also a perception that the older members look down upon them. This affects their confidence to transact parliamentary business including speaking in plenary</p>	<p>Parliament/ Political parties/ KYPA – enhance the support available to youth MPs in terms of induction, capacity building, mentorship and technical support, such as legislative research and preparation of briefs/speaking notes</p> <p>Parliament – apply affirmative action to place more young MPs in positions of leadership, at the PSC, in plenary and in Committees, as a way of building their leadership profile and capacity</p> <p>Presiding Officers - in allocating speaking time in plenary, strive for balance between older and younger MPs</p>
<p>KYPA, the caucus for youth MPs, lacks the financial, human and technical capacity necessary to effectively support youth MPs in discharging their mandate. Projects funded externally usually focus on a specific subject area and come with many conditions.</p>	<p>Parliament/PSC – consider formalizing caucuses for specially elected MPs, ie KYPA, KEWOPA and KEDIPA so as to make them eligible for budgetary allocations from Parliament to support their programs</p>
<p>There is little support accorded to youth MPs by their respective political parties, as well as other actors such as the government Ministry responsible for youth, the National Youth Council¹¹² and CSOs</p>	<p>Political Parties – through the respective caucuses, identify and implement specific measures to support youth MPs, such as sponsoring of Bills to implement the party manifesto, and in lobbying members to support Bills sponsored by youth MPs</p> <p>SDY/ NYC – link with youth MPs as a bridge when introducing youth-focused Bills and policies before Parliament</p> <p>CSOs/KYPA – establish a structured long-term engagement plan whereby youth MPs are linked with CSOs working in the respective areas that they are passionate about. This would enable setting up of sector-based working groups that would enable young MPs to benefit from the expertise and research support available in the CSOs</p>

112 The National Youth Council (NYC) is established under the National Youth Council Act (No. 10 of 2009) with the mandate to, among others, lobby for legislation on issues affecting the youth



d) Cross-cutting issues

The following issues are not directly related to the study but were highlighted as important by interview respondents and participants at the validation meeting.

Issues/Findings	Recommendations
The process of getting information and documents from Parliament is a long and tedious one, and that information posted on the parliamentary website is often outdated or incomplete	Parliament – put in place measures to ensure compliance with Parliament’s commitments under the Open Government Partnership, including leveraging on technology to make documents and reports available on the website
Very little data on MPs, such as age, is available publicly	Parliament – adopt best practice from other jurisdictions where data on MPs is made available, such as the age distribution of MPs in Parliament
Members of the public have little knowledge about what individual MPs do on a day to day basis, and the media largely publishes news items that are sensational or will drive sales	Parliament – do more in highlighting the work and outputs of MPs in plenary, committees and individually
	Youth MPs – make use of social media and other avenues to keep the public updated of their contributions in and outside Parliament

International Instruments

International Instruments

African Union, African Youth Charter (2006)

Economic Freedom Fighters Constitution, 2013

The United Nations, International Covenant on Civil and Political Rights (1966)

The United Nations, Universal Declaration of Human Rights (1948)

National Instruments

Committee of Experts, The Report of the Committee of Experts on Constitutional Review (2010)

Constitution of Kenya Review Commission, The Final Report of the Constitution of Kenya Review Commission and Draft Constitution (2002)

Constitution of Kenya Review Commission, Draft Constitution from the National Constitutional Conference ('Bomas') (2003)

Constitution of Kenya, 1963

Harmonized Draft Constitution, 2009

The Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 53 of 2019)

The Constitution of Kenya Review Act, 2008

The Constitution of Kenya, 2010

The Elections (Party Primaries and Party Lists) Regulations, 2017

The Elections Act, No. 24 of 2011

The Kenya Youth Development Policy (2019)

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

Wako Draft Constitution, 2005

Books

Charles Hornsby, Kenya: A History Since Independence (2012)

Karen Celis, 'Gendering Representation' in Gary Goertz and Amy Mazur (eds), Politics, Gender and Concepts: Theory and Methodology (Cambridge: Cambridge University Press, 2008)

Norm Kelly and Sefakor Ashiagbor, Political Parties and Democracy in Theoretical and Practical Perspectives: Selecting Candidates for Legislative Office (National Democratic Institute: Washington DC, 2008) accessed at www.ndi.org

Journal Articles

Daniel Stockemer and Aksel Sundstrom, 'Age Representation in Parliaments: Can institutions pave the way for the young?' (European Political Science Review, 2018)

Mona Krook and Mary K. Nugent, 'Not Too Young to Run? Age Requirements and Young People in Elected Office (Intergenerational Justice Review, 2018) accessed at www.igjr.org

Reports

EU-UNDP, 'Youth participation in Electoral processes: Handbook for Electoral Management Bodies' (2017) accessed at www.undp.org

Inter-Parliamentary Union, 'Global Parliamentary Report: The Changing Nature of Parliamentary Representation' (2012) accessed at www.ipu.org

Inter-Parliamentary Union, 'Annual Report for 2018/19' (2019), accessed at www.ipu.org

Inter-Parliamentary Union, 'Youth Participation in National Parliaments' (2014), accessed at www.ipu.org
Inter-Parliamentary Union, 'Youth Participation in National Parliaments' (2018), accessed at www.ipu.org

Kenya National Bureau of Statistics, 'The 2009 Kenya Population and Housing Census: Population Distribution by Age, Sex and Administrative Units' (Vol. 1C) (2010)

Parliamentary Monitoring Group (Accessed at www.pmg.org.za)

Susan Booyesen, 'Strengthening Participation of Young People in South Africa's Electoral and Democratic Processes: Surveying the Understandings of Political Parties' (Freedom House: Johannesburg, South Africa, 2015)

The Youth Agenda, 'Youth in Leadership: An Audit of Youth Representation in Public, Private, Civil Society and Faith-based Organizations' (2013)

ANNEXES

Annex 1: List of Bills sponsored by Youth MPs during the 11th Parliament

No.	Sponsor	Bill
1.		The Kenya Trade Remedies Bill, 2017
2.	Hon. David Ochieng	The Constitution of Kenya (Amendment) Bill, 2015
3.		The Institute of Directors of Kenya Bill, 2016
4.		Hon. Gladys Wanga
5.		The Cancer Prevention and Control (Amendment) Bill, 2016
6.	Hon. Johnson Sakaja	The Public Procurement and Disposal (Amendment) Bill, 2013
7.		The National Youth Employment Authority Bill, NA Bill No. 08 of 2015
8.		The Penal Code (Amendment) Bill, 2016 NA Bill No.13 of 2016
9.	Hon. Kagongo Bowen	The Kenya Uwezo Fund Bill ,2015
10.	Hon. Kinoti Gitobu	The Employment (Amendment) Bill, NA Bill No. 14 of 2017
11.	Hon. Sabina Chege	The Breastfeeding Mothers Bill, NA Bill No. 13 of 2017
12.	Hon. Abdi Noor Muhammed	The Livestock and Livestock Products Development and Marketing Bill, 2016
13.	Hon. Irungu Kang'ata	The Higher Educations Loans Board (Amendment) Bill, NA Bills No. 9 of 2015
14.	Hon. Priscilla Nyokabi	The Access to Information Bill, 2015.
15.	Sen. Halima Abdille	The Office of the County Printer Bill, Senate Bills No.42 of 2014
16.	Sen. Joy Gwendo	The County Library Services Bill, Senate Bill No. 6 of 2015
17.	Sen. Kipchumba Murkomen	The County Governments (Amendment) (No. 4) Bill, Senate Bill No. 18 of 2014
18.		The Intergovernmental Relations (Amendment) Bill, Senate Bill No. 9 of 2014
19.	Sen. Kipchumba Murkomen, Sen. Stephen Sang, Sen. Kindiki and Sen. Elachi	The Public Finance Management (Amendment) Bill, Senate Bills No. 11 of 2014
20.	Sen. Martha Wangari	The County Governments (Amendment) (No. 2) Bill, Senate Bill No. 2 of 2014
21.		The Employment (Amendment) Bill, Senate Bill No.1 of 2015
22.		The National Hospital Insurance Fund (Amendment) Bill, Senate Bills No. 9 of 2015
23.		The Self-Help Associations Bill, Senate Bill No. 2 of 2015
24.	Sen. Naisula Lesuuda	The County Statistics Bill (Senate Bill No. 11 of 2016)
25.	Sen. Stephen Sang	The County Governments (Amendment)(No. 2) Bill, Senate Bills No. 4 of 2013
26.		The Office of the County Printer Bill, Senate Bills No.42 of 2014
27.		The County Hall of Fame Bill, Senate Bills No. 33 of 2014
		The County Statutory Instruments Bill, Senate Bill No. 10 of 2015

Annex 2: List of Bills sponsored by Youth MPs during the 12th Parliament (2017 – 2019)

No.	Sponsor	Bill
1.	Sen. Johnson Sakaja	The Disaster Risk Management Bill (Senate Bills No. 8 of 2018)
2.	and Sen. Mutula Kilonzo Jnr	The Determination of the Nature of Bills (Procedure) Bill (Senate Bills No. 30 of 2018)
3.	Sen. Johnson Sakaja	The County Governments Retirement Scheme Bill (Senate Bills No. 6 of 2018)

4.	Sen. Aaron Cheruiyot	The County Governments (Amendment) Bill (Senate Bills No. 13 of 2018)
5.		The Care and Protection of Older Members of Society Bill (Senate Bills No. 17 of 2018)
6.		The Tea Bill (Senate Bills No. 36 of 2018)
7.		The Constitution of Kenya (Amendment) Bill (Senate Bills No. 40 of 2018)
8.	Sen. Aaron Cheruiyot and Sen. Isaac Mwaura	The Persons with Disabilities (Amendment) Bill (Senate Bills No. 1 of 2019)
9.	Sen. Beatrice Kwamboka	The Care and Protection of Child Parents Bill (Senate Bills No. 11 of 2019)
10.	Sen. Mercy Chebeni	The County Licensing (Uniform Procedures) Bill (Senate Bills No. 17 of 2019)
11.	Sen. Samson Cherarkey	The Office of the County Attorney Bill (Senate Bills No. 3 of 2018)
12.		The Impeachment Procedure Bill (Senate Bills No. 15 of 2018)
13.	Hon. Alexander Kimutai	The Public Finance Management (Amendment) Bill (National Assembly Bill No. 48 of 2019)
14.	Hon. Benjamin Gathiru Mwangi	The Public Service Commission (Amendment) Bill (National Assembly Bill No. 27 of 2019)
15.	Hon. Gideon Keter	The National Youth Council (Amendment) Bill (National Assembly Bill No. 8 of 2019)
16.	Hon. Martha Wangari	The Employment (Amendment) Bill (National Assembly Bill No. 15 of 2019)
17.	Hon. Ndindi Nyoro	The Anti-Corruption and Economic Crimes (Amendment) Bill (National Assembly Bill No. 6 of 2019)

Annex 3: List of Motions sponsored by Youth MPs during the 11th Parliament

No.	Sponsor	Motion
1.	Hon. Wesley Korir	Tracking and accounting for all athletes who leave the country to attend various international athletic events, to ensure their safety at all times.
2.	Hon. David Kangogo Bowen	Liberalization of power distribution in order to encourage competition, improve efficiency, and reduce the cost of power
3.	Hon. David Ochieng	Development of a targeted policy on operations of commercial motorcycles (<i>boda boda</i>), including licensing procedures and safety awareness creation
4.		Recruitment and deployment of health personnel in counties and resourcing of county health facilities to alleviate suffering of the citizens, and help provide curative and preventive health care services to the people of Kenya
5.	Hon. Gladys Wanga	Safety training, testing and licensing of all <i>boda bodas</i> and motorcycles riders
6.		Offering of scholarships to at least one (1) Medical Masters student per County to study oncology, and signing contractual agreements with them to serve in designated cancer treatment and management centres
7.	Hon. Irung'u Kang'ata	Lifting the ban on holiday tuition

8.		Structural design adjustments to all public buildings, Government Ministries, departments and agencies to make them more user-friendly to persons with disabilities
9.	Hon. Isaac Mwaura	Introduction of Kenyan sign language to be taught in schools as part of the primary school curriculum to enable Kenyans to acquire the basic skills to communicate with people that have a hearing impairment.
10.		Support for youth innovation by creating an innovation fund and a national incubation system
11.		Censure of the Cabinet Secretary for Interior and Coordination of National Government, Mr. Ole Lenku, for his total inability and incompetence to secure peace and security in the country
12.	Hon. Ken Obura	Establishment of a Select Committee to investigate the deaths of the late Hon. Sen. Mutula Kilonzo, the late Hon. Sen. Otieno Kajwang' and the late Fidel Castro Odinga,
13.	Hon. Zulekha Hassan Juma	Takeover by the National government of health services from counties which have no capacities to discharge such services
14.		Allocation of funds to the National Youth Council to enable the Council to discharge its mandate.
15.	Sen Halima Abdille	Construction of boarding facilities in arid and semi-arid areas as a means of facilitating nomadic children to access education
16.	Sen. Kipchumba Murkomen	Transfer of resources, functions and powers relating to development of infrastructure and equipping of institutions of learning, at primary and secondary levels, by the national government to county governments
17.	Sen. Naisula Lesuuda	Implementation of the Prohibition of Female Genital Mutilation Act, 2011 especially the creation and funding of the Anti-Female Genital Mutilation Board to lead and co-ordinate efforts against rights abuses particularly of children
18.		Setting up of modern abattoirs and related facilities to stimulate livestock production and business in pastoralist communities
19.	Sen. Isaac Melly	Commendation of Kenyan teams for the sterling performance at the IAAF World Championships held in Beijing, China and the All African Games held in Congo Brazzaville
20.	Sen. Joy Gwendu	Construction of wheelchair accessible footbridges on major county roads for use by people with disability
21.	Sen. Martha Wangari	Commendation of the Kenya team for the sterling performance in the Commonwealth Games held in Glasgow, Scotland

Annex 4: List of Motions sponsored by Youth MPs during the 12th Parliament (2017 – 2019)

No.	Sponsor	Motion
1.	Hon. Catherine Waruguru	Declaration of cancer as national disaster and establishment of cancer fund to cater for cancer treatments and care
2.	Hon. Didmus Barasa	Development and implementation of regulations prescribing the amount of fare to be charged by PSVs
3.	Hon. Gideon Keter	Establishment of a national rugby stadium in the country, and high-performance centres of excellence in every region

4.	Hon. Martha Wangari	Establishment of Civil Registration Centres in every Constituency
5.	Hon. Silvanus Osoro	Development and implementation of a mandatory and examinable curriculum for training of students and pupils in primary and secondary Schools on road safety.
6.	Sen. Aaron Cheruiyot	Commendation of Eliud Kipchoge and other athletes for their stellar performance
7.		Establishment of ad hoc Committee on the challenges facing the tea sector in Kenya
8.	Sen. Beatrice Kwamboka	Policy on street families' rehabilitation and reintegration at county level
9.		Management of snake bites and timely supply and free administration of the anti-venom in public health facilities
10.	Sen. Mercy Chebeni and Sen. (Arch.) Sylvia Kasanga	Increasing the number of specialized well equipped mental health facilities and development of effective outreach and other mental health programmes targeting Kenyans in remote areas and learning institutions
11.	Sen. Millicent Omanga	Recognition, training, empowerment and protection for caregivers of persons with permanent motor and neurological disorders

Annex 5: List of Petitions presented by Youth MPs during the 11th Parliament

No.	Presenter	Petition
1.	Hon. Alfred Keter	Renewal of land leases in Nandi County
2.	Hon. David Kangogo Bowen	Discontinuation of Kenya Airways' operations on Nairobi-Eldoret route and the inconveniences caused by Jambo Jet
3.	Hon. George Oner	Investigations into the operations of Geothermal Development Company
4.	Hon. George Theuri	Land disputes in Embakasi West Constituency
5.	Hon. Gladys Wanga	Delayed payment of benefits for the former employees of the Defunct East African Community (EAC)
6.	Hon. Irungu Kang'ata	Abolition of Class 8 Examination Fees and Introduction of Free School Feeding Programme for all Public Primary School Pupils
7.		Non-registration and employment of Early Childhood Development Teachers by the Teachers Service Commission (TSC), and payment of salaries below the gazetted minimum
8.		Status of Mukuyu Gitathambo Road in Kiharu Constituency
9.		Compensation and recognition of the Hon. Kenneth Matiba
10.		Suspension of five (5) students from Meru University of Science and Technology
11.		Measures to eliminate usage of counterfeit Kenya Revenue Authority (KRA) stamps in the alcoholic industry in the country
12.	Hon. Isaac Mwaura	The plight of Education Assessors
13.		Construction of a footbridge on Waiyaki Way to link ABC Place Bus Stop and the National Council for Persons with Disabilities Office, Westlands, Nairobi
14.		Recognition of persons with gender identity disorders
15.		Enactment of legislation on prevention, control and management of sickle cell anaemia in Kenya
16.	Hon. Kinoti Gatobu	Realization of the right to free secondary education for all children in Kenya

17.	Hon. Sabina Chege	Compensation for the death of the late Stephen Mbii Kieru killed in a terror attack
18.		Alleged attempted irregular transfer of land parcel belonging to Nanga Kihoto (Naivasha) Limited
19.	Hon. Zuleikha Juma	Deployable working conditions at the Kwale Sugarcane Company
20.	Sen. Martha Wangari	Petition by Workers in flower farms in Naivasha Sub- County, Nakuru County, on poor working conditions in the flower farms
21.	Sen. Stephen Sang'	Petition by some residents of Nandi County regarding historical injustices suffered by the Talai Clan

Annex 6: List of Petitions presented by Youth MPs during the 12th Parliament (2017 – 2019)

No.	Presenter	Petition
1.	Hon. Alfred Keter	Delayed payments to farmers by the National Cereals and Produce Board (NCPB).
2.		Dismissal & blacklisting of employees of Eastern Produce Kenya (EPK) Estate in Nandi Hills Constituency
3.	Hon. Bowen Kangogo	Alleged failure by the Ministry of Labour and Social Protection to gazette Agency Fee to be levied by the Teachers' Service Commission from nonunionized teachers
4.	Hon. Didmus Barasa	The murder of the late Peter Wanyama and Edward Barasa
5.		The fate of former students of Kamukuywa Campus of the East African University
6.	Hon. George Theuri	Alleged irregular allocation of Land LR.NO.11379/3 in Mowlem Ward, Embakasi West Constituency
7.		Construction of footbridges/crossings and bus stops along the Outer Ring Road
8.		Harassment and confiscation of slot and gaming machines belonging to the Members of Counties Amusement and Gaming Society
9.		Regularization of various Government offices for efficient service delivery in Embakasi West Constituency
10.		Non-Issuance of Title Deeds to Land owners of Embakasi West Constituency
11.	Hon. Gideon Keter	Appeal for the lifting of caveat imposed on land in the formal settlement of the entire Mau Forest Complex
12.	Hon. Tindi Mwale	Non-Release of Examination Results by Nakuru Medical Training Colle
13.	Hon. Nixon Korir	The proposed demolition of Seefar Apartments in Nairobi
14.		Notice of demolition of Seefar Apartments
15.	Hon. Patrick Ntwiga	Inadequate Medical Cover offered to teachers by Minet Group Limited
16.		Procurement of Medical cover from reputable Insurance providers for teachers
17.	Hon. Simba Arati	Regulation of digital Taxi/Cab Operations in Kenya
18.		Non-payment of salaries and intimidation of employees by the Management of Uchumi Supermarket Limited.

19.	Sen. Sakaja Johnson	Fight against contraband goods in Kenya and other challenges in the sector
20.	Sen. Samson Cherarkey	Protection of the Abasuba language, culture and heritage
21.		The operations of Karebe Gold Mining Limited
22.		Absence of the Deputy Governor of West Pokot County

Annex 7: List of Questions asked/ Statements sought by Youth MPs during the 11th Parliament

No.	Sponsor	Question/ Statement
1.	Hon. Alfred Keter	Question on delays in positioning traffic signs and rail barricades on the Chepsangwor stretch of the Nandi Hills–Chemelili Road
2.	Hon. David Ochieng	Statement on government plan on Bodaboda business
3.		Statement on cheating and irregularities in KNEC examinations
4.		Statement on the on one million- acre irrigation project in Galana
5.	Hon. George Oner	Statement No.123 on the status of the Value Added Tax (VAT) refunds payable to corporate and individual taxpayers by the Kenya Revenue Authority.
6.		Statement regarding the ethnic composition of the National Police Service.
7.	Hon. George Theuri	Ministerial Statement Regarding the Alleged Directive on Banning Boda Boda Operations after 6.30pm within Nairobi City.
8.		Statement regarding directive by Inspector General to stop boda boda operations past 6.30pm in Nairobi City.
9.	Hon. Irungu Kang'ata	Statement regarding enforcement of anti-gay laws in Kenya by various organs of the national Government.
10.	Hon. Isaac Mwaura	Statement concerning the compensation of individuals whose land has been compulsorily to individuals whose land was compulsorily acquired by the Government for the establishment of the Lamu Port-South Sudan-Ethiopia Transport Project(LAPSSET).
11.		Statement concerning the plight of persons with albinism in Kenya.
12.		Statement regarding the scrapping of reader's allowance for teachers with visual impairment in Kenya.
13.	Hon. Ken Okoth	Statement on Labour and Social Welfare regarding the Government's hiring policy.
14.		Statement regarding the status of roads in Upperhill, Kibra Constituency.
15.	Hon. Kinoti Gatobu	Statement on the tarmacking of Rurii-Kirua-Kibirichia Road
16.	Hon. Nasrah Ibren	Statement regarding air travel from Wajir Airport to Jomo Kenyatta International Airport.
17.	Hon. Priscilla Nyokabi	Statement concerning the provision of sanitary towels to pupils in public primary schools.
18.		Statement regarding the non-payment of medical expenses by NHIF, in regard to orthopaedic services.
19.		Statement on the status of tertiary education loans.
20.	Hon. Sabina Chege	Statement on the reconstruction of Kenol Murang'a Road
21.		Statement on the release of Quail birds into the environment

22.		Statement on the terms/ agreements of lease for Kakuzi and development limited companies
23.	Hon. Shukran Gure	Statement on the capture of Kenyans by KDF
24.		Statement on the shortage/ rationing of electricity in Garissa town
25.		Statement on the treatment of Muslim Students in Public Schools.
26.	Hon. Simba Arati	Statement regarding the grabbing of public utility land by private developers.
27.	Hon. Zulekha Hassan	Question on failure by the National Youth Council to conduct elections.
28.	Hon. Wesley Korir	Statement on the welfare of KDF soldiers returning from Somalia
29.	Sen. Aaron Cheruiyot	Statement regarding operations of the women enterprise fund
30.		Statement regarding increased number of police check points along Mau Summit-Sotik road in Kericho County
31.	Sen. Daisy Kanainza	Statement regarding collection of levies by MCSK and KAMP-PRISK from business premises and public transport vehicles for playing music.
32.		Statement on recruitment of police officers by the Police Service Commission
33.	Sen. Halima Abdille	Statement on the tendering of the installation of CCTV security cameras
34.	Sen. Hosea Ochwang'i	Statement on Examination fees payable for KCPE and KCSE candidates in 2015.
35.	Sen. Isaac Melly	Statement on the closure of NCPB Silos in Uasin Gishu County
36.	Sen. Joy Gwendu	Statement regarding status of Rabuor-Chiga-Kibos Road in Kisumu County
37.		Statement on implementation of Parastatals taskforce report and its implications to Kenya Tourism Board, Kenya Tourism Development Authority and investors in hotel and Tourism.
38.		Statement on the plight of farmers in Nyamthoi, Kolowa
39.	Sen. Martha Wangari	Statement regarding the plight of residents of Kasarani Malewa Ward in Gilgil Constituency
40.		Statement regarding Higher Education Loans Board loans advanced to University students.
41.		Statement regarding implementation of the Basic Education Act, 2013 and the Kenya Gazette notice outlawing corporal punishment
42.		Statement regarding human-wildlife conflict around the Kigio Wildlife Conservancy in Gilgil, Nakuru County
43.		Statement regarding the shooting of a school girl from Ulanda High School in Migori County by a stray bullet from a wanderer.
44.		Statement regarding status of implementation of the Senate resolution on the state of affairs at the Kenya Airways Limited.
45.		Statement regarding status of implementation of the Senate resolution on the disappearance of twins at Punwani maternity Hospital on 6 th January, 2015.
46.		Statement regarding the on-going recruitment of health personnel by the Ministry of Health for the deployment to the Counties

47.		Statement on enrolment of pupils to form one and the free Primary education.
48.		Statement on KWS community enterprise development and implementation of the Wildlife conservation and management act.
49.		Statement on Child adoption policy in the Country.
50.		Statement on the deteriorating medical care standards with specific reference to quack doctors.
51.		Statement on destruction of donated insulin medical supplies at KNH
52.	Sen. Moses Kajwang	Statement regarding the status of the national security communication system
53.		Statement regarding Hyacinth menace in Lake Victoria
54.		Statement on training agreement and activities of the British Army in Kenya
55.		Statement on sale of counterfeit and stale drugs and pharmaceutical products in the country.
56.	Sen. Naisula Lesuuda	Statement regarding the killing of livestock in Laikipia County last week by the security personnel drawn from different police units and the Kenya Defence Forces who were carrying out a security operation in the area.
57.		Statement regarding elevation of some Provincial secondary schools to National Schools Status
58.		Statement on drought in arid and Semi-arid regions of the country
59.		Statement regarding the plight and welfare of former Councillors under Kenya's defunct local authorities.
60.		Statement regarding tracking of development expenditure in counties through IFMIS
61.		Statement regarding the declining state of health services in Nandi County
62.		Statement regarding the disappearance of children in Chesuwe area, Nandi County
63.	Sen. Stephen Sang	Statement regarding the murder by police of Mr. Musa Koech a resident of Aldai, Nandi County on 23 rd September, 2016
64.		Statement regarding leadership crisis at Moi University
65.		Statement on the County Government Staff Pension Scheme.
66.		Statement on rising insecurity in Nandi County and other Counties affected by motorcycle theft, issuance of fake licenses for 'bodaboda' operators.
67.		Statement on declining profits in the Tea industry.

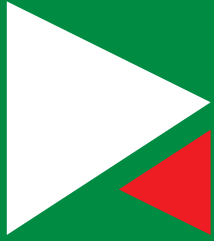
Annex 8: List of Questions asked/ Statements sought by Youth MPs during the 12th Parliament (2017 – 2019)

No.	Sponsor	Question/ Statement
1.	Hon. Benjamin Gathiru Mwangi	Insecurity in Kayole (Embakasi Central Constituency) and handling of rogue police officers.
2.		The teacher-pupil ratio (1:100) in most primary schools in Embakasi Central.
3.	Hon. Caleb Amisi Luyai	The status of implementation and operationalization of the Social Assistance Act, 2013

4.		The collective debt of the Kenyan Government
5.	Hon. Catherine Waruguru	Issuance of Title Deeds and resettlement of squatters in Nanyuki
6.	Hon. Didmus Barasa	Criminal gangs causing loss of lives and property damage in Kimilili constituency.
7.	Hon. Gideon Koskei	The policy on deployment of teachers and delocalization of the management of learning institutions
8.	Hon. John Paul Mwirigi	Stalled construction of the Maua-Athiru-Kiraone-Kilili-Meru National Park Road
9.	Hon. Nicholas Tindi Mwale	Frequent cases of insecurity in Butere sub-county
10.		The arbitrary suspension of Mr. Christopher Maloba, a Clerical Officer at Kakamega Central County Commissioner Office
11.	Hon. Paul Ongili Babu Owino	Non-issuance of title deeds to residents of Tassia Estate by the National Social Security Fund
12.	Sen. Aaron Cheruiyot	Introduction by the Mombasa County Government, of tax/levy of Kshs. 32 per packet of tea being exported through the Mombasa Port.
13.		National Integrated Identity Management System (NIIMS).
14.		Challenges faced by Kenyans seeking to acquire new passports
15.	Sen. Anuar Loitiptip	Delay in upgrading of the Lamu – Garsen Road
16.		The operations of the Kenya Defence Forces (KDF) in Lamu County
17.		Land crisis in Lamu County
18.		Management of the Public Health services in Lamu County
19.		Economic benefits of the LAPPSET project to residents of Lamu County
20.		Remuneration of police reservists
21.	Sen. Beatrice Kwamboka	CRA recommendations on County Government Recurrent Expenditure Ceilings for Financial year 2018/19
22.		Status of female prisoners and children held in prisons and remand facilities in Kenya
23.		Rise in the number of collapsing buildings in the County
24.		Collapsing and cut-off of a section of Narok-Mai Mahiu road due to heavy rain
25.		Status of citizenship for Mr. Miguna Miguna
26.		Rampant fire outbreaks in the informal settlements of the Nairobi City County
27.		Status of women and girls held in prisons and remand facilities in Kenya
28.		Water and sewerage in Nairobi City County
29.		Demolition of structures in Nairobi City County
30.		Acquisition of Kenyan Citizenship by individuals who meet the requirements stipulated in Article 13 (2) and 15 (1) of the Constitution
31.		The rise of deaths of students while in schools
32.	Sen. Johnson Sakaja	State of Nairobi City County
33.		Welfare of the Standard Gauge Railways (SGR) employees
34.		Contingency plan to mitigate the adverse effects of the heavy downpour on our infrastructure mainly roads and drainage system

35.		Compensation of victims of 8 th August, 2017 and 26 th October, 2017 Post Elections chaos
36.		Availability and accessibility of water in Nairobi City County
37.		Demolitions in Nairobi City County.
38.		Public Transport System in Nairobi City County
39.		State of Pumwani Maternity Hospital
40.		Banning of public service vehicles from entering the central business district (CBD) on 3rd December, 2018.
41.		Compensation of Nairobi residents in Mihango ward, Embakasi East constituency by Kenya Power and Lighting Company for the illegal demolition of their houses
42.		The audit queries raised by the Office of the Auditor-General regarding the financial statements of the Nairobi City County Government for the Financial Year 2017-2018
43.		Protection of rights and welfare of Uber and other hailing cabs drivers
44.		Ban of imports of used car spare parts
45.	Sen. Mercy Chebeni	Rise of sex crimes in schools
46.		State of emergency medical care in Kenya
47.		Status of the Kenya National Employment Authority
48.		Move by the State to merge six Government financial agencies to form a mega development bank
49.		Violence that broke out on 23 rd January, 2018 in Jamhuri High School, Nairobi County
50.		Violence and insecurity in universities and other institutions of higher learning
51.	Sen. Millicent Omanga	Compulsory management of copyright and other related rights.
52.		Fatalities caused by the collapse of a classroom at Precious Talent School in Dagoretti South, Nairobi City County.
53.	Sen. Samson Cherarkey	On-going recruitment by the Kenya Defence Forces
54.		Registration of births in Kenya
55.		Status of Karebe Gold Mine Company in Nandi County
56.		Alleged murder of Milcah Kiplimo and Stanley Kipchirchir at Chesuwe Trading Centre, Kilibwoni ward, Nandi County
57.		Unlawful establishment of various offices under the health docket in Nandi County
58.		Expiry of drugs at the Kenya Medical Supplies Authority (KEMSA) warehouses
59.		Re-opening of the immigration center in Eldoret
60.		The Roundup herbicide which is used by farmers to kill weeds in Kenya.
61.		Re-appointment of Prof. Teresia Akeng'a as the Vice Chancellor of the University of Eldoret
62.		Arbitrary arrests and withdrawal of security details assigned to leaders perceived to be against the establishment.
63.	Sen. Victor Prengei	Youth unemployment in Kenya
64.		The state of preparedness for the 2019 National Population and Housing Census
65.		Traffic congestion at the Gilgil Weighbridge along the Nairobi – Nakuru Highway





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