

**SPECIAL ISSUE**

*Kenya Gazette Supplement No. 172 (Senate Bills No. 20)*

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REPUBLIC OF KENYA

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***KENYA GAZETTE SUPPLEMENT***

**SENATE BILLS, 2020**

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**NAIROBI, 30th September, 2020**

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**THE CONSTITUTION OF KENYA (AMENDMENT)  
BILL, 2020**

**A Bill for**

**AN ACT of Parliament to amend the Constitution of  
Kenya—**

**ENACTED** by the Parliament of Kenya, as follows—

**1.** This Act may be cited as the Constitution of  
Kenya (Amendment) Act, 2020.

Short title.

**2.** Article 54 of the Constitution of Kenya is amended  
in clause (2) by deleting the word “progressive” appearing  
immediately after the words “shall ensure the”.

Amendment of  
Article 54 of the  
Constitution of  
Kenya.

**MEMORANDUM OF OBJECTS AND REASONS**

The object of this Bill is to amend the Constitution of Kenya to ensure that the State is obligated to reserve at least five per cent of all public positions for persons with disabilities. Persons living with disabilities have endured discrimination in the selection process for public positions. The State, at both levels of government, has yet to fully implement their rights and freedoms as envisioned in the Constitution of Kenya and other legislation.

Article 10 (1) of the Constitution of Kenya binds all state organs, public officers and all persons whenever any of them applies or interprets the Constitution or enacts, applies or interprets any law or makes or implements any public policy decisions.

Article 10 (2) (b) of the Constitution of Kenya, on the other hand, outlines the national values and principles of governance as including human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination and protection of the marginalised.

Clause 1 of the Bill is the short title of the Bill.

Clause 2 of the Bill proposes the amendment of Article 54 (2) of the Constitution of Kenya to obligate the State to reserve at least five percent of positions in public offices for persons living with disabilities in Kenya.

This Bill will ensure that the rights of persons with disabilities with respect to appointment to public bodies are protected and effectively enforced.

Dated the 26th August, 2020.

ISAAC MWAURA,  
*Senator.*

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Article 54 of the Constitution that the Bill proposes to amend—

**54. Persons with disabilities**

(1) A person with any disability is entitled—

- (a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;
- (b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;
- (c) to reasonable access to all places, public transport and information;
- (d) to use Sign language, Braille or other appropriate means of communication; and
- (e) to access materials and devices to overcome constraints arising from the person's disability.

(2) The State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities.