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UNCONSTITUTIONAL CABINET NOMINATIONS

The National Gender and Equality Commission has noted the reorganization of government and the proposed members to the expanded Cabinet announced by H.E President Uhuru Kenyatta.

Values of public service

Article 232 of the Constitution provides for the values of public service which include; representation of Kenya's diverse communities, affording adequate and equal opportunities for appointment, training and advancement at all levels of the public service; of men and women the members of all ethnic groups and persons with disabilities.

Article 27 of the Constitution provides for the promotion of equality and freedom from discrimination. Sub article (8) obligates the State to *take legislative and other measures to implement the principle that not more than two-thirds of elective and appointive bodies shall be of the same gender.*

Cabinet as proposed to be constituted

Article 152 of the Constitution clearly defines Cabinet as the Cabinet Secretaries, the President, Deputy President and Attorney General. With 20 ministries this means a Cabinet with a total membership of 23. The gender ratio is 18 men to 5 women. This does not comply with the not more than two thirds gender principle and is therefore unconstitutional.

Additionally, Article 54 (2) of the Constitution states that the State shall ensure 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. Again this is not reflected in the proposed cabinet membership.

Way forward.

The proposed membership of the Cabinet is constitutionally flawed and should not be allowed to pass. We urge H.E the President to correct the anomaly by proposing a Cabinet that reflects the spirit and letter of the Constitution. Parliament has an obligation of ensuring fidelity and adherence to the rule of law.

WINFRED O. LICHUMA E.B.S

CHAIRPERSON