

PETITION TO THE SENATE TO SUMMON SPECIFIC COUNTY GOVERNORS TO
EXPLAIN THE SPECIFIC MEASURES BEING UNDERTAKEN TO ADDRESS UNWANTED
ADOLESCENT PREGNANCIES IN THEIR RESPECTIVE COUNTIES

THE CLERK OF THE SENATE,
OFFICE OF THE CLERK,
MAIN PARLIAMENT BUILDING,
P.O BOX 41842-00100, NAIROBI.



18TH APRIL 2024.

PETITION TO THE SENATE UNDER ARTICLES 1, 2, 3, 10, 19, 27, 28, 29 37, 43, 95,
118 AND 119 OF THE CONSTITUTION OF KENYA AND THE PETITIONS TO
PARLIAMENT (PROCEDURES) ACT AND STANDING ORDER 225 OF THE SENATE.

We, the Undersigned, a Human Rights and Governance Non-Governmental Organization (NGO) duly registered in the Republic of Kenya since 1994 have played a pivotal role in protecting and fostering Human rights, democratic values, human dignity and social justice in Kenya and beyond continuously for over 30 years,

DRAW the attention of the National Assembly to the following.

1. THAT the preamble of the Constitution recognises the aspirations of all Kenyans for a government based on essential values of human rights, equality, freedom, democracy, social justice, and the rule of law and the exercise by the people of Kenya of their sovereign and inalienable right to determine the form of governance of Kenya and having participated fully in the making of this Constitution.
2. Article 1 (1) of the Constitution provides that all sovereign power belongs to the people of Kenya and shall be exercised only in accordance with the Constitution.

A memorialization initiative of the Kenya Human Rights Commission (KHRC) at its 30th-plus anniversary

An independent non-profit organization with a mandate of enhancing human rights centered governance at all levels

Board of Directors:

Davinder Lamba - Chair | Betty Okero - Vice Chair | Davis Malombe - Executive Director | Nerima Wako Ojiwa | Kwamchetsi Makokha
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3. Article 2 (1) of the Constitution pronounces the Supremacy of the Constitution and provides that the Constitution binds 'all persons and all State Organs at both levels of government.
4. Article 3 of the Constitution obligates every person to respect, uphold and defend the Constitution.
5. Article 10 (1) of the Constitution states that the national values and principles of governance bind all state organs, State Officers, Public Officers, and all persons whenever any of them enact, apply, or interpret any law, makes, or implements public policy decisions. The National values and principles of governance include human dignity, equity, social justice, inclusiveness, equality, human rights, non-discrimination, and protection of the marginalised.
6. Article 19 (2) of the Constitution provides that the purpose of recognising and protecting human rights and fundamental freedoms is to preserve the dignity of individuals and communities and to promote social justice and realisation of the potential of all human beings.
7. Article 20 (1) of the Constitution, the Bill of Rights applies to all and binds all State Organs and all persons. Further, under sub-article (2), every person shall enjoy the rights and fundamental freedoms in the Bill of Rights to the greatest extent consistent with the nature of the right and fundamental freedom.
8. Article 27 (1) of the Constitution provides that every person is equal before the law and has the right to equal protection and equal benefit of the law.
9. Article 27 (2) that equality includes the full and equal enjoyment of all rights and fundamental freedoms.
10. Article 27 (3) provides that women and men have the right to equal treatment, including the right to equal opportunities in political, economic, cultural, and social spheres.

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11. Article 27 (4) provides that the State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language, or birth.

12. Article 27 (5) that a person shall not discriminate directly or indirectly against another person on any of the grounds specified or contemplated in clause (4).

13. Article 27 (6) provides that to give full effect to the realisation of the rights guaranteed under Article 27, the State shall take legislative and other measures, including affirmative action programmes and policies designed to redress any disadvantage suffered by individuals or groups because of past discrimination.

14. Article 37 of the Constitution, every person has the right to, peaceably and unarmed, to assemble, to demonstrate, to picket, and to present petitions to public authorities.

15. Article 43 (1) provides that every person has the right— (a) to the highest attainable standard of health, which includes the right to health care services, including reproductive healthcare.

16. Article 95 of the Constitution states that the National Assembly represents the people of the constituencies, and special interests, and deliberates on and resolves issues of concern to the people.

17. Article 118 of the Constitution states that Parliament shall conduct its business in an open manner, and its sittings and those of its committees shall be open to the public; and facilitate public participation and involvement in the legislative and other business of the Parliament to its committees.

18. Article 119 of the Constitution provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending,

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or repealing any legislation, and Parliament shall make provision for the exercise of this right.

THAT, the Senate holds the power to summon County Governors to appear before the Senate to expound on counties policies, reply to questions and provide reports concerning counties under their control.

THAT Kenya is currently ranked third worldwide with cases of teenage pregnancies. A recent report by the National Syndemic Disease Control Council (NSDCC) revealed shocking statistic of 696 adolescent girls impregnated daily in 2023. Statistics from the Kenya Demographic and Health Survey (KDHS) 2022 report indicated that teenage pregnancy rates in Kenya stood at 15% among adolescent girls aged 15 - 19 years.

THAT Samburu County has the highest prevalence rate at 50 percent followed by West Pokot at 36.3 percent, Marsabit 29.4 percent, Migori 23.0 percent, Kajiado 21.8 percent, Baringo 20.3 percent, Siaya 20.9 percent, Taita Taveta 18 percent, Trans Nzoia 17.8 percent and Isiolo at Isiolo 16.7 percent.

THAT in terms of absolute numbers, Nairobi County leads with (452) cases, Kakamega (328), Bungoma (294), Nakuru (283), Kiambu (267), Kilifi (224) Meru (206), Kisii (192) Machakos (178), and Narok with (176) cases.

THAT, these numbers are as a result of among others, poverty, sexual gender-based violence contrary to article 27 of the constitution, low levels of education, harmful cultural practices and lack of access to comprehensive sexual and reproductive health services and education contrary to article 43(1)(a) of the constitution.

THAT under the fourth schedule of the constitution, health is a shared function between the county and the national government. While the national government, through the Ministry of Health, is responsible for developing guidelines and policies for healthcare provision, including sexual and reproductive health, county governments are charged with the mandate of providing health services, including, county health facilities and pharmacies and promotion of primary health care.

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THAT County government's have a duty to take action to mitigate teenage pregnancies by addressing the causative factors leading to these unintended teenage pregnancies including by Community Health Promoters (CHPs) among other interventions.

THAT teenage pregnancies constitute gross human rights violations of among many other the following fundamental rights and freedoms,

- i. The right to education: girls form a large percentage of school drop-outs.
- ii. The rights to life and dignity: teenage pregnancies contribute to life-threatening conditions.
- iii. The right to health: Teenage girls face barriers to accessing sexual and reproductive health services against Article 43 of the Constitution of Kenya.
- iv. The right to equality and freedom from discrimination: many of these girls are exposed to stigma and other forms of discrimination.
- v. The right to freedom and security of the person: owing to the exposure to sexual and gender-based violence faced by the girls.
- vi. Violation of Article 53(1) (c) (d) of the Constitution, which provides that every child has a right to basic nutrition, shelter and health care and to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, among others.

THAT we have written to the twenty (20) governors from counties with the highest rates of teenage pregnancies and the Council of Governors to explain the specific practical interventions and guidelines they have developed to address the crises of teenage pregnancies in their respective counties.

THAT we have not received any feedback from the twenty (20) governors and the Council of Governors regarding the issues under their mandate.

WHEREOF your humble petitioner prays that:


1. THAT the Petition be admitted and considered as by the Senate.

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2. THAT the Senate of the Republic of Kenya through the Public Petitions Committee.
1. Within reasonable time summons the twenty (20) governors from counties with the highest rates of teenage pregnancies to explain the specific practical interventions and guidelines they have developed to address the crises of teenage pregnancies in their respective counties.
3. THAT, the issues in respect of which this petition is raised are not present before any court of law, constitutional or legal body.

And your PETITIONER will ever pray.

PRESENTED BY:

Name of the Petitioner	Full address National	ID Number/ Passport	Number Signature/ Thumbprint
Davis Malombe	P.O. Box 41079-00100	13445436	

CC:

Hon. Amason Kingi,
Speaker of the Senate,
P.O BOX 41842-00100,
Nairobi, Kenya.



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PETITION TO THE NATIONAL ASSEMBLY TO SUMMON THE CABINET SECRETARIES FOR THE MINISTRIES OF HEALTH AND EDUCATION TO EXPLAIN THE SPECIFIC MEASURES BEING UNDERTAKEN TO ADDRESS UNWANTED ADOLESCENT PREGNANCIES IN KENYA.

THE CLERK OF THE NATIONAL ASSEMBLY,
OFFICE OF THE CLERK,
MAIN PARLIAMENT BUILDING,
P.O BOX 41842-00100, NAIROBI.



18TH APRIL 2024.

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We, the Undersigned, a Human Rights and Governance Non-Governmental Organization (NGO) duly registered in the Republic of Kenya since 1994 have played a pivotal role in protecting and fostering Human rights, democratic values, human dignity and social justice in Kenya and beyond continuously for over 30 years,

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1. THAT the preamble of the Constitution recognises the aspirations of all Kenyans for a government based on essential values of human rights, equality, freedom, democracy, social justice, and the rule of law and the exercise by the people of Kenya of their sovereign and inalienable right to determine the form of governance of Kenya and having participated fully in the making of this Constitution.

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and facilitate public participation and involvement in the legislative and other business of the Parliament to its committees.

18. Article 119 of the Constitution provides that every person has a right to petition Parliament to consider any matter within its authority, including enacting, amending, or repealing any legislation, and Parliament shall make provision for the exercise of this right.

THAT, the standing order 25A allows a Cabinet Secretary to appear before the National Assembly to expound on government policy, reply to questions and provide reports concerning matters under his or her control.

THAT Kenya is currently ranked third worldwide with cases of teenage pregnancies. A recent report by the National Syndemic Disease Control Council (NSDCC) revealed shocking statistic of 696 adolescent girls impregnated daily in 2023. Statistics from the Kenya Demographic and Health Survey (KDHS) 2022 report indicated that teenage pregnancy rates in Kenya stood at 15% among adolescent girls aged 15 - 19 years with some counties such as Samburu reporting the highest prevalence at 50%.

THAT, these numbers are as a result of among others, poverty, sexual gender-based violence contrary to article 27 of the constitution, low levels of education, harmful cultural practices and lack of access to comprehensive sexual and reproductive health services and education contrary to article 43(1)(a) of the constitution.

THAT under the fourth schedule of the constitution, health is a shared function between the county and the national government. The national government, through the Ministry of Health, is responsible for developing guidelines and policies for healthcare provision, including sexual and reproductive health.

THAT the national government's action has the potentially to either suppress or escalate the crisis of teenage pregnancies. In May 2023, the Ministry of Health pulled out of a major regional commitment that would have mitigated unintended teenage

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pregnancies and reduced HIV and sexually transmitted diseases. Kenya withdrew from the Eastern and Southern African (ESA) ministerial commitment to comprehensive sexual education. The withdrawal signals the lack of commitment by the government to protect our girls from early and unintended pregnancies and enforce laws to stop this scourge.

THAT the national government has duty to prevent children by ensuring that adolescent girls don't get pregnant and a duty to protect by ensuring adolescent girls who get pregnant get care and protection including comprehensive sexual health reproductive services.

THAT teenage pregnancies constitute gross human rights violations of among many other the following fundamental rights and freedoms,

- i. The right to education: girls form a large percentage of school drop-outs.
- ii. The rights to life and dignity: teenage pregnancies contribute to life-threatening conditions.
- iii. The right to health: Teenage girls face barriers to accessing sexual and reproductive health services contrary to article 43 of the Constitution of Kenya.
- iv. The right to equality and freedom from discrimination: many of these girls are exposed to stigma and other forms of discrimination.
- v. The right to freedom and security of the person: owing to the exposure to sexual and gender-based violence faced by the girls.
- vi. Violation of Article 53(1) (c) (d) of the Constitution, which provides that every child has a right to basic nutrition, shelter and health care and to be protected from abuse, neglect, harmful cultural practices, all forms of violence, inhumane treatment and punishment, among others.

THAT we have called on the Ministry of Health to explain the policy interventions and guidelines it has developed to address the crises of adolescent pregnancies and re-

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commit to the Eastern and Southern Africa Commitment on comprehensive sexual education.

THAT we have called on the Ministry of Education to explain the policy interventions and guidelines that it has developed to ensure that every adolescent girl who falls pregnant is unconditionally permitted back to school and provided with the necessary psychosocial support without discrimination.

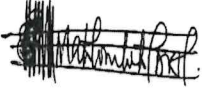
THAT we have not received any feedback from the two ministries regarding the issues under their mandate.

WHEREOF your humble petitioner prays that:

1. **THAT** the Petition be admitted and considered as by the National Assembly.
2. **THAT** the National Assembly of the Republic of Kenya through the Public Petitions Committee.
 - I. Within reasonable time Summons the Cabinet Secretary for The Ministry of Health to appear before it for the purpose of explaining the policy interventions and guidelines the Ministry has developed around sexual and reproductive health for teenage girls and elucidate Kenya's commitment to the Eastern and Southern Africa Commitment on comprehensive sexual education.
 - II. Summon the Cabinet Secretary for The Ministry of Education to appear before it for the purpose of explaining the policy interventions and guidelines that ensure that every teenage girl who falls pregnant is unconditionally permitted back to school and provided with the necessary psychosocial support without discrimination.
3. **THAT**, the issues in respect of which this petition is raised are not present before any court of law, constitutional or legal body.

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PRESENTED BY:

Name of the Petitioner	Full address National	ID Number/ Passport	Number Signature/ Thumbprint
Davis Malombe	P.O. Box 41079-00100	13445436	

CC:

Rt.Hon. Moses Masika Wetangula,
Speaker of the National Assembly,
P.O BOX 41842-00100,
Nairobi, Kenya.

