

**PETITION TO THE NATIONAL ASSEMBLY ON THE AMENDMENT OF THE
PUBLIC HOLIDAYS ACT, CAP 110 LAWS OF KENYA.**

A. INTRODUCTION

We, the Undersigned, are a Non-Governmental Human Rights and Governance Institution duly registered in the Republic of Kenya since 1994. We 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.

The organization played a key role in the making of the Constitution of Kenya 2010. This began with the publication of the Model Kenya Tuitakayo Constitution in 1994 and concluded with the promulgation of the Constitution of Kenya 2010 on August 27, 2010.

Throughout this period, KHRC has worked closely with the people and communities throughout Kenya to promote and protect their rights. KHRC therefore has a unique experience and understanding of the significance of the Constitution as the foundation for promoting, protecting and advancing the rights of the Kenyan people in their individual and collective capacities.

KHRC is also aware that for the Constitution to be effective it must be complemented with a culture of constitutionalism. However good it might be, a Constitution without a culture of constitutionalism cannot

Public holidays are annual reminders and celebrations of events or ideas that are considered historically important to and by a given society or a nation. They are an important part of the society or a nation social and political milieu. Public holidays serve as a constant reminder of the collective aspirations and often the great sacrifices that have been made to secure freedom or other forms of human progress.

In this context, the promulgation of the Katiba day is one of the most important Constitution of Kenya 2010 on August 27, 2010 events in Kenya's history. This day has been marked and celebrated privately for the last 13 years.

While the significance of the Constitution of Kenya 2010 is globally accepted, it is not reflected in our official and public culture and celebrations. In 2011, the Parliament of the Republic of Kenya, in exercise of its legislative powers enacted the Public Holidays Act of 2011. However, the Act has failed to recognize Katiba day as a public holiday yet this marks one of the most important and historic moments in Kenya's history. This is inexplicable and indefensible. It for this reason that we, the undersigned do now petition and pray as follows;

B. SUMMARY OF THE PETITION

THAT the National Assembly of the Republic of Kenya through the Public Petitions Committee;

1. Amend Part I of the Schedule of the Public Holidays Act CAP 110 by inserting the 27th of August to be Katiba Day in Kenya.
2. Initiate the process of amending the Public Holidays Act, CAP 110, to ensure the annual commemoration of Katiba Day for the benefit of present and future generations.

C. RATIONALE OF THE PETITION

We would like to draw the attention of the National Assembly to the following:

1. **THAT**, Article 1 of the Constitution of Kenya 2010, reposes all sovereign authority in the people of Kenya. The people of Kenya have delegated legislative authority to parliament as the representatives of the people.
2. **THAT**, Article 9 (3)(5) of the Constitution mandates parliament to enact legislation that provides for the observance of public holidays in Kenya.
3. **THAT**, Article 10 (2) of the constitution enshrines the principles of governance to include the rule of law as a principle of governance in Kenya.
4. **THAT**, in congruence with the principles of good governance and citizen participation as enshrined in Article 10 (2) of the Constitution, the National Assembly acknowledges the need to institutionalize Katiba Day as an annual event, fostering a sense of national identity, unity, and commitment to upholding constitutional values among the people of Kenya.
5. **THAT**, Article 119 of the Constitution provides for the right of any person to petition parliament to consider any matter with its authority including petitioning the house to enact, amend or repeal any legislation.
6. **THAT**, parliament enacted the Public Holidays Act of 2011 that has failed to recognize Katiba day as a public holiday yet this marks one of the most important and historic moments in Kenya's history.
7. **THAT**, Section 3 of the Public Holidays Act mandates the Cabinet Secretary, if he thinks fit, by notice in the gazette, declare any day to be a public holiday.
8. **THAT**, the cabinet secretary can only gazette the holiday for one year that will not be recurring in the subsequent year.
9. **THAT**, the petition herein is to have Katiba Day recur into subsequent years.

10. **THAT**, recognizing the significance of Katiba Day in commemorating the promulgation of the Constitution of Kenya, 2010, and its critical role in promoting constitutional awareness and civic education among the citizens, the National Assembly considers the importance of establishing Katiba Day as a recurring public holiday through the amendment of Part 1 of the schedule of the Public Holidays Act, CAP 110.
11. **THAT**, Katiba day would be a day to commemorate the significant constitutional strides that Kenya has made since the promulgation of the new constitution on 27th August 2010.
12. **THAT**, Katiba Day will be an occasion to celebrate the liberation struggle and champion the process of reform, civic education on the Constitution, the devolved system of governance and the need for peaceful, free and fair elections.
13. **THAT**, it is therefore worth setting aside the 27th of August as a national holiday to acknowledge our collective efforts, as a country, in ensuring that the tenets of democracy, the rule of law and the principles of constitutionalism are upheld.
14. **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:

DAVIS MALOMBE

EXECUTIVE DIRECTOR

KENYA HUMAN RIGHTS COMMISSION

DATE:

16th August 2024