

# Law Society of Kenya



## PRESS STATEMENT

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**Our Ref: IG/2020/3**

**Your Ref: TBA**

**Date: 30<sup>th</sup> July, 2020**

## PETITION NO 1 OF 2020: LAW SOCIETY OF KENYA –V- SPEAKER OF NATIONAL ASSEMBLY AND SPEAKER OF SENATE

On 17<sup>th</sup> July, 2020, the Law Society of Kenya petitioned the Honourable Chief Justice to advise the President of the Republic of Kenya to dissolve Parliament. The Petition was made on the ground that Parliament has failed to enact legislation to implement the two-thirds gender rule. The failure has persisted notwithstanding two decisions by the High Court made on 26<sup>th</sup> June, 2015 and on 29<sup>th</sup> March, 2017. The High Court decision of 26<sup>th</sup> June, 2015 directed the preparation of Bills for tabling in Parliament by the Attorney General for purposes of implementation of Articles 27(8) and 81(b) of the Constitution of Kenya. The High Court decision of 29<sup>th</sup> March, 2017 required Parliament to implement the two-thirds gender rule within 60 days from that day.

We appeared before the Honourable Chief Justice this morning for a mention of the Petition alongside five other Petitions by Honourable David Sudi, Madam Margaret Toili, Mr Frederick Gichanga Mbugua, Mr Aoko Bernhard and Mr Stephen Owoko. The six Petitions were mentioned for directions towards their hearing.

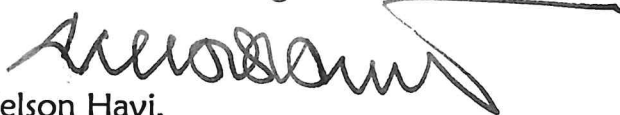
Nelson Havi (President), Carolyne Kamende (Vice-President)  
 George Omwansa, Herine Kabita, Roseline Odede (General Membership Representatives)  
 Aluso Ingati, Carolyne Mutheu, Faith Odhiambo (Nairobi Representatives)  
 Bernhard Ngetich, Beth Michoma, Esther Ang'awa, Ndinda Kinyili (Upcountry Representatives)  
 Riziki Emukule (Coast Representative)

The Honourable Chief Justice indicated to the Petitioners present that the Speakers of the National Assembly and Senate had earlier on sought time to enable their compliance with the Orders of the Court and the Constitution of Kenya. It had been the representation of the Speakers to the Honourable Chief Justice that there were two pending Bills which they required time to enable debate and enactment. The Honourable Chief Justice indicated that he had not received any communication from the Speakers. In any event, the two-thirds gender requirement has not been attained. The Honourable Chief Justice confirmed that the time sought by the Speakers had lapsed. There is, therefore, need to commence the process of dissolution of Parliament as required by Article 261(7) of the Constitution of Kenya.

Accordingly, the Honourable Chief Justice directed that the six Petitions be served upon the Speakers of the two Houses of Parliament and the Attorney General. The Speakers and the Attorney General were directed to file their responses to the Petitions within fourteen days of service. The Petitions will be mentioned upon expiry of the fourteen days for directions on their hearing. We will update you on further developments as and when we hear from the Honourable Chief Justice.

It is our expectation that the two-thirds gender rule shall be attained in due course. When this is done it will be remembered that our initiative as the Law Society of Kenya is participatory of many other players whose consistent efforts since 2010 have laid a firm foundation leading to the moment we are in and without whose involvement no progress could have been made. To that end we acknowledge the role played by Daisy Amdany of CRAWN Trust, Wangechi Wachira of CREAM, Wanyoike Waikwa of KATIBA Institute, Jerotich Seii the Active Citizen, WeAre52% and Women of Kenya as well as all those great men and women who have tirelessly worked towards achieving gender parity in Kenya.

Yours *Sincerely,*



Nelson Havi,  
President, Law Society of Kenya

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