**KISUMU COUNTY YOUTH MEMORANDUM ON THE YOUTH BILL, 2024**

This Memorandum has been done by youth champions from various organizations in Kisumu led by Cheshire Disability Services Kenya, under Make way program in regards to the youth bill 2024. The youths from various organizations came together and scrutinize the bill and adopted recommendations on various areas of interest as per the article 55 of the Kenya constitution 2010. This is also in line with Article 56 {a}, {b} and {e} on social interest inclusion.

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| **Specific Comments** | | | | | |
| **S/No** | **Clause of the Bill** | **Provision of the Bill** | **Comments/proposed amendments** | | **Rationale** |
| 1 | Clause 1-preliminary provisions | ‘vulnerable youth’ means youth exposed to violence,abuse,neglect,substance misuse,crime,mental disorders, school detachment or lacking positive adult relationships | Add youth with disability in the composition of vulnerable youth  Add a clause with youth with disability in various categories of youth | | Article 54 {a} provides for a respectful and dignity of persons with disability as marginalized community. This also aligns with Article 56{a},{b} and {e} on the social interest inclusion therefore leaving out of vulnerable youth will increase marginalization on the already marginalized community. |
|  |  | Guiding principle {e} participation and engagement | Add the word meaningful participation and engagements | | Youth should not merely participate but be meaningfully engaged and treated in a respectful and dignified manner |
| 2 | PART III: Implementing Rights of the Youth | Clause 7 (Restatement of Rights):  {a}, {b}, {c},{d] and [e}  Ensures freedom of expression but does not address barriers faced by marginalized youth, such as inaccessible media platforms or stigma. | Add provisions ensuring accessible and inclusive platforms for youth with disabilities to exercise freedom of expression. Or stigma. | | Marginalized youths face overlapping barriers and failure to address these in the bill poses challenge of more vulnerability to them as youths with legal rights |
|  |  | Clause 8 (Promoting Youth Participation):  {a},{b},{c},{d},{e},{g}  Lacks specific provisions for marginalized groups’ access to decision-making platforms. | Mandate quotas or targeted initiatives to include youths with disabilities and other marginalized identities in leadership and decision-making. | | Social inclusions is among the importance principles addressed in Article 56 {a}, {b} and {e} hence marginalized youth should also be actively involved in the decision making table |
|  |  | Clause 16 (Right to Information):  No explicit measures to ensure information is accessible for youth with disabilities (e.g., Braille, sign language). | Require all youth-focused information to be disseminated in formats accessible to all, including visually and hearing-impaired youths. | | Article 54 {d} and {e} provides for use of sign language, Braille or other appropriate means of communication; and to access materials and devices to overcome constraints arising from persons with disability. Failure to explicitly provide these measures in the bill discriminates marginalized youths including persons with disability. |
|  |  | Clause 23 (Protection from Gender Marginalization):  {a},{b},{c},{d},{e}  Does not address intersectionality, where marginalized identities overlap (e.g., disabled women). | Develop intersectional strategies to address compounded vulnerabilities. | | Failure to address youth intersectionality in the bill may tend to discriminate other marginalized identities within various contexts of the country |
|  |  | Clause 13 {Right to health}  Every youth has the right to the highest attainable standard of physical, mental, and spiritual health,  Sexual and reproductive health and rights is missing | Add sexual and reproductive health and rights among the highest attainable health services among the youths | | Sexual and Reproductive health and rights remains most sensitive and essential to all youths. The constitution of Kenya Article 43{a] also provides for right to highest attainable standards of health including sexual and reproductive health. Failure to address this in the bill possess threats and discrimination to all youths |
| 3 | PART VII: YOUTH FUND | Clause 38{ Management and Administration of the fund  Part 2{d} composition of the board; two youth representatives one male and one female appointed by the cabinet secretary | Add one more slot specifically for the persons with disability or between the two youth slot, let one slot be specifically for a youth with disability | | Disability Inclusion policy, Affirmative Action Bill 2000 and ministry of labor and social protection persons with disability national policy provides for the representation of persons in various decision making platforms and local authorities. |
| 4 | PART VIII: Registration of Youth Organizations | Clause 46 (Registration Requirements):  2; {a],{b},{c},{d}  Potential for misuse, as strict registration criteria could limit the formation of organizations advocating for marginalized or dissenting opinions. | Simplify registration processes and provide clear guidelines to prevent arbitrary denials. Include an appeal process for rejected applications. | | Simplified registration process will include all the marginalized youth and therefore reducing discrimination in the registration process |
| **General comments** | | | | | |
| 5 | Centralized Oversight Without Local Inclusivity | The bill establishes centralized control over youth organizations through the Office of the Youth Registrar (Clause 45) without ensuring representation or input from marginalized groups in registration processes.  **Impact:**  Marginalized communities, particularly in rural or underserved areas, may struggle to navigate bureaucratic processes or access centralized systems. This creates a structural barrier to forming associations. | Decentralize the registration process by establishing county-level offices or mobile registration units, and ensure these include representatives from marginalized groups. | | Bottom Up Transformative Agenda{BETA} recognize broad based government, Centralizing youth power at the top therefore contradicts the {BETA} power reforms |
| 6 | Lack of Provisions for Unregistered Associations | The bill does not explicitly allow unregistered youth groups to operate informally. This might criminalize informal associations often formed by marginalized youths as initial support systems. | Add provisions recognizing and protecting informal youth associations, allowing them to operate without immediate registration. | Registrations restriction could discourage free association, especially in rural areas or marginalized communities where formal organization is difficult due to stigma or financial constraints. | |

As Kisumu County civil society organizations youth representatives, we hope that our recommendations will be considered and be of value to the proposed Youth Bill, 2024 and the Ministry of Youth Affairs, Creative Economy and Sports.