

PARLIAMENT OF KENYA

THE SENATE

THE HANSARD

Thursday, 19th October, 2023

*The House met at the Senate Chamber,
Parliament Buildings, at 2.30 p.m.*

[The Deputy Speaker (Sen. Kathuri) in the Chair]

PRAYER

DETERMINATION OF QUORUM
AT COMMENCEMENT OF SITTING

The Deputy Speaker (Sen. Kathuri): Clerk, do we have quorum? Serjeant-at-Arms, kindly ring the Quorum Bell for 10 minutes.

(The Quorum Bell was rung)

*(The Clerk-at-the-Table consulted
with the Deputy Speaker)*

Clerk, kindly proceed to call the first order.

PETITIONS

CONSTRUCTION OF A PEDESTRIAN BRIDGE
AT CHIROMO, WAIYAKI WAY

Hon. Senators, we have two reports on Petitions from two Committees. The first report is from the Standing Committee on Roads, Transportation and Housing on a Petition to the Senate by Mr. Nickey Muoko Mwanacha, regarding the construction of a pedestrian bridge at Chiromo, Waiyaki Way, Nairobi City County. Do we have any Member of the Committee present delegated to table the report?

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

ABSORPTION OF CONTRACTED INSTRUCTORS UNDER THE
ECONOMIC STIMULUS PROGRAMME BY NYERI COUNTY

The second report is from the Standing Committee on Devolution and Intergovernmental Relations on a Petition to the Senate by Mr. Julius Wairiuko Wanjohi concerning the lack of implementation of a resolution to absorb the contracted instructors under the Economic Stimulus Programme (ESP) by the County Government of Nyeri.

Chairperson Committee on Devolution and Intergovernmental Relations, are you ready? Go ahead and table the report.

(Sen. Abass consulted the Deputy Speaker)

Next Order.

PAPER LAID

The Deputy Speaker (Sen. Kathuri): Do we have Papers to lay? Is the Chairperson or Vice-Chairperson of the Committee on Finance and Budget around? Any Member of the Committee?

Sen. Faki, can you confirm whether you are a Member of the Standing Committee on Finance and Budget?

Sen. Faki: Mr. Deputy Speaker, Sir, I am.

The Deputy Speaker (Sen. (Prof.) Kamar): Proceed and lay the Paper.

REPORT ON CONSIDERATION OF THE EQUALIZATION FUND
APPROPRIATION BILL (SENATE BILLS No.30 OF 2023)

Sen. Faki: Thank you, Mr. Deputy Speaker, Sir. I beg to lay the following Paper on the Table of the Senate, today, Thursday, 19th October, 2023-

Report of the Standing Committee on Finance and Budget on its consideration of the Equalization Fund Appropriation Bill (Senate Bills No. 30 of 2023).

(Sen. Faki laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Do we have any more papers to lay?

Next Order.

QUESTIONS AND STATEMENTS

STATEMENTS

Hon. Senators, we have a number of statements. We will start with the one by Sen. Cherarkey. This Statement is under Standing Order No.52(1).

Proceed.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

REMARKABLE ACHIEVEMENT BY TWO KENYANS
IN CLIMBING MT. MANASLU IN NEPAL

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.52 (1) to make a statement on an issue of general topical concern and national importance, namely the remarkable achievement by Mr. James Muhia and Mr. Cheruiyot Kirui from Nakuru and Uasin Gishu counties respectively, in summiting Mt. Manaslu in Nepal, reaching 8,163 metres above sea level.

Their remarkable achievement is not only a testament to their extraordinary determination and courage, but also a source of immense pride for our nation. Mr. James Muhia and Mr. Cheruiyot Kirui have made history by becoming the first Africans and Kenyans to successfully summit an 8,000-metre mountain without the use of supplemental oxygen. This achievement shows their exceptional mountaineering skills, physical endurance and mental fortitude.

Moreover, what sets their accomplishment apart is that they accomplished this feat without the assistance of Sherpa support, demonstrating their self-reliance and true grit or normality of our Kenyans.

Scaling an 8,000-metre peak is an immensely challenging endeavour that requires meticulous planning, extensive training and unwavering determination. Their success in conquering Mt. Manaslu is an example of what Kenyans can achieve when they set their minds to do something.

Their achievement serves as an inspiration, not only to aspiring mountaineers, but also to the entire nation, emphasising the importance of perseverance and dedication in the face of adversity.

Mr. Deputy Speaker, Sir, in light of their exceptional accomplishment and positive image that they have portrayed of Kenya on the international arena, I commend them for their historic achievement. I am confident that their achievement will serve as a source of pride and motivation for our fellow countrymen and women.

It is essential that we celebrate and promote such remarkable accomplishments within our nation to foster a spirit of excellence and determination. Therefore, I call upon fellow Senators to honour their hard work and dedication. This will inspire other Kenyans to pursue their dreams and reach for the highest peaks, both literally and metaphorically, a day before the Heroes or Mashujaa Day. These are truly the Mashujaa of Kenya.

I wish everybody a happy Mashujaa Day.

The Deputy Speaker (Sen. Kathuri): We have another statement by Sen. Crystal Asige.

COMMEMORATION OF WORLD SIGHT DAY

Sen. Crystal Asige: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.52(1) to make a Statement on a matter of general topical concern; namely, commemorating the World Sight Day.

World Sight Day is celebrated annually every second Thursday of October. Its goal is raise awareness of vision impairment, blindness and the critical need for comprehensive eye care.

Locally, this day brings into mind the reality of the 7.5 million Kenyans who live with severe visual impairment or blindness and the realisation that up to 90 per cent of these cases could have been prevented. Thus, today is a clarion call for each individual to value and protect their eyesight.

This worthy cause should be promoted by conducive policy and legislation as well as supported in word and deed by members of this honourable House for the benefit of their constituents.

Mr. Deputy Speaker, Sir, promotion of eye health is in line with the Constitution. Article 43 guarantees everyone the right to the highest attainable standard of health.

In the same breath, it is worth noting the unjust and unfortunate fact that out of the 7.5 million Kenyans with some form of visual impairment, only 1.6 million can access eye care services. This is due to minimal resources, including specialized eye care professionals, medical supplies, equipment and access to funds. The very few available resources are primarily concentrated in towns. This is despite the fact that 71 per cent of Kenyans live in rural areas.

This year, the theme is “Love Your Eyes at Work”, with the focus being on sensitizing people about the importance of eye care at the workplace. As such, employers and key decision makers are called upon to prioritize the health of employees in the workplace.

On average, Kenyans spend between 40 to 52 hours per week at work. This makes the workplace the place where we spend most of our time and where we put our eyesight to use the most.

It may be of interest for us to note that the nexus between good vision and economic advancement is profound. Studies show that good vision can be a catalyst for upward economic mobility, with 46 per cent of individuals experiencing a rise in income when regaining their eyesight, after a successful cataract surgery.

Further, Mr. Deputy Speaker, Sir, the simple act of wearing spectacles can elevate productivity by a staggering 22 per cent. Similarly, even the most minor vision impairment can have cascading effects on productivity. Reports show that a subtle vision issue can lessen productivity and a 22 per cent decrease in accuracy. This disadvantages the worker and also their employer, colleagues and our economy at large.

Mr. Deputy Speaker, Sir, eye injuries are also a hazard at the workplace that must be eliminated. Kenyans from all walks of life have the right to seek income in various places ranging from factories, construction sites, offices, farms, mining fields and more.

While some of these places are more hazardous than others, the right to be protected while working is constant. Studies estimate that nine out of 10 workplace eye injuries can be averted with the use of safety eyewear. Recognising and addressing this issue is paramount to averting vision loss due to workplace accidents.

Increasingly, more workers are using computers and other digital devices to fulfil their mandates. The use of digital devices has been linked with several eye disorders, making strategies for prudent screen time management imperative.

On the other hand, technology is indispensable to persons living with visual impairment and blindness. Speaking from experience, the use of technologies such as screen readers has significantly elevated my experience and the independence I have attained through them. This has been the closest I have come to eyesight itself.

Mr. Deputy Speaker, Sir, it should not be an anomaly. Every visually impaired person; whatever the degree of impairment is, deserves the chance to unlock the door to the opportunities that technology can provide. That is the kind of world we should aim to create as Members of this honourable House. However, if the case is preventable and vision loss can be avoided completely, World Sight Day is a call to action for all of us who still have a chance at sight. In the end, impaired vision is a human experience that anyone can suffer from due to age, accident or disease. Fostering an inclusive society is, therefore, a service to our future selves.

Mr. Deputy Speaker, Sir, about 90 per cent of all sight loss is preventable or treatable. Only detection will improve this statistic. As such, regular eye check-ups are of utmost importance. Promoting eye health initiatives should be a primary goal for everyone, Parliament included.

As we mark this significant day, let us reflect on the far-reaching impacts of vision impairment, extending beyond personal well-being to encompass the safety, productivity, and overall, quality of life for millions of people.

I am sure that many in this House can attest to the same, including Sen. Cherarkey recently. We must encourage employers to make eye health initiative a standard practice in their workplace culture.

Reflecting on these insights, it is evident that this is a shared responsibility, which needs to be led by Government and the Ministry of Health and reflected in its policy and budgetary plans. The national and county Governments must unite in creating workplaces that prioritize and champion eye health. Access to universal healthcare must also include access to eye care.

Last year, while marking this day, I urged fellow Members to take steps toward prioritising their eye health. It would be interesting to note how many were able to attend the screenings provided for here in Parliament and if they are following their prescriptions today.

This year, let us take a further step, and through this House, push the Ministry of Health to establish more eye clinics closer to the ground where they are desperately needed so that we can extend screenings to our respective constituents.

I also urge Members to promote open dialogue on eye issues and not make this matter a taboo. Where we notice a trend of eye care issues in the family, let us encourage testing and screening to prevent further complications.

Since we are all employers in our own capacities too, let us also remember our responsibilities to our employees from the household back at home to your office staff and the driver who brought you here today.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

I call upon each Member of this honourable House to take a personal pledge to hashtag “#LoveYourEyes” at work this year.

I thank You, Mr. Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Thank you.

There is also a Statement by Sen. Mumma.

PROPOSED INTRODUCTION OF SERVICE
CHARGES AT HUDUMA CENTRES

She is not present, so that Statement will be read in the next Sitting.

(Statement Deferred)

We have Statements under Standing Order No.53(1). Let us start with Sen. Dullo. You have five Statements.

Sen. Dullo: Yes, Mr. Speaker, Sir. I can read them together if you allow me.

The Deputy Speaker (Sen. Kathuri): Yes, please. Proceed.

STALLED RURAL ELECTRIFICATION
PROJECTS IN ISIOLO COUNTY

Sen. Dullo: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Energy regarding the stalled electricity connectivity project within Isiolo County.

In the Statement, the Committee should-

(1) Provide a status update on the Rural Electrification Project in Oldonyiro and the extension of the areas yet to be covered.

(2) Report on all the last mile projects within Isiolo County, outlining clearly the steps being taken to improve the connectivity and reliability of power supply within the county.

(3) Outline the steps that the Rural Electrification and Renewable Energy Corporation is taking to ensure that stalled projects in Isiolo County are revived and expeditiously completed.

(4) Explain plans, if any, the Government is taking to ensure the rural areas in Isiolo County that are currently without electricity, including Gafarsa, Malka-Daka, Leparua, Kipsing, Biligo, Bulesa, Barambathe and Yaqbarsathi, are connected to the National Grid.

INFLUX OF BARS AROUND SCHOOLS AND
RESIDENTIAL AREAS

Mr. Speaker, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security and Foreign Relations concerning the influx of bars near schools and residential areas in Nairobi County.

In the Statement, the Committee should-

(1) Indicate whether the Ministry of Interior and National Administration is aware that there has been an increase in the number of bars near schools within Nairobi County and that this poses a serious danger to the well-being of learners.

(2) Indicate the steps being taken to identify and close down bars that are located near schools and residential areas.

(3) Outline the steps being taken to rectify licensing of bars near schools and residential areas.

(4) Explain the efforts being taken to ensure that bars and discos install soundproofing to reduce noise pollution.

COMPENSATION TO LANDOWNERS DISPLACED BY THE
HORN OF AFRICA GATEWAY DEVELOPMENT PROJECT

Mr. Speaker, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the status of compensation of land owners affected by the Horn of Africa Gateway Project.

In the statement, the Committee should-

(1) Provide a status update on compensation along the Horn of Africa Gateway Project whose progress status is yet to be provided by the National Land Commission (NLC) since I tabled the Statement on the Floor of the House on 30th November, 2022.

(2) Outline the efforts that NLC has taken in rectifying anomalies in calculating the previous compensation rate.

(3) Furnish this House with the current compensation formula adopted by NLC.

(4) Provide detailed information on when NLC plans to begin compensating the landowners.

(5) Table the list of beneficiaries.

INORDINATE DELAY IN PROMOTION OF
TEACHERS IN ISIOLO COUNTY

Mr. Speaker, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education concerning the promotion of teachers by the Teachers Service Commission (TSC) in Isiolo County.

The status of several teachers who were appointed into acting capacity in different schools in Isiolo County from the year 2017 are yet to be confirmed.

The teachers have undertaken their roles with due diligence and dedication in acting capacity since the appointment. These teachers have been serving in acting capacity for years with no goodwill from the Commission to confirm their status.

Recall that the Public Service Commission Act, 2017, stipulates that public officers can only serve in an acting capacity for one to six months. Note, however, that the Commission has recently begun appointing other teachers to the same position with a clear disregard for the teachers who have been holding the same position for several years.

In the Statement, the Commission should-

(1) Explain the state, if the TSC have standard, transparent procedures in place for the promotion of teachers because there are many teachers who have stagnated in certain job group for a very long time.

(2) How can Teachers Service Commission (TSC) put teachers in an acting capacity for years, especially headteachers and deputies and end up replacing them with junior teachers.

(3) How many teachers are waiting for promotion to headteachers and deputy positions in the in the country.

(4) What are the standard procedures used by TSC for placement of teachers in various parts of the country.

ISIOLO-MERU BORDER DISPUTE

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Security and Foreign Relations on the killing of an innocent 60-year-old herder at Ndururumo area along Isiolo-Meru border.

In the Statement, the Committee should-

(1) Indicate whether the Ministry of Interior and National Administration is aware that on 28th October, 2023, a 60-year-old herder, Mr. Ahmed Mohamud, was abducted by cattle rustlers and gruesomely murdered and about 250 goats stolen at Ndururumo along the Isiolo-Meru border.

(2) Explain the efforts---

The Deputy Speaker (Sen. Kathuri): Which date did you give?

Sen. Dullo: On 28th. Sorry, this should be September. I need to correct that. It should be 28th September.

(2) Explain the efforts that the Government is taking or has taken to apprehend and prosecute the perpetrators of this heinous act.

(3) Indicate the steps that the Government is taking or has taken to ensure that the 250 goats stolen are recovered.

(4) Outline the steps the Government is taking to ensure a long-lasting solution to the intractable border disputes.

(5) State the efforts that the Government is taking to arm the Kenya Police Reservists within Isiolo County.

I thank you.

(Interruption of Statements)

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I have two Communications to make.

COMMUNICATIONS FROM THE CHAIR

VISITING DELEGATION OF YOUNG FUTURE MOVEMENT FROM HOMA BAY COUNTY

Hon. Senators, I would like to acknowledge the presence in the Public Gallery, this afternoon of a visiting delegation of university students, Young Future Movement, from Homa Bay County. The delegation is in the Senate for a one-day academic exposition.

In our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them. On behalf of the Senate and on my own behalf, I wish them a fruitful visit.

Do we have the Senator for Homa Bay around?

Sen. Ogola, please proceed.

Sen. Ogola: Thank you, Mr. Deputy Speaker, Sir, for welcoming the special team from Homa Bay County; students from Homa Bay County. Homa Bay is a known region of brains. So, the students are not here by accident, neither are they at the university by accident. We have had top notch brains from the country. Not 1, 2, 3, 10, 15, 50, or 100, but more than that.

To the students from the county and on behalf of Senator M. Kajwang', I welcome you in a special way to the Senate. The Senate does oversight, legislation and representation of the people, especially the counties.

Our Senator, Sen. M, Kajwang' and I are here to watch over the many services that the people of Homa Bay County should get. As you see in the Senate, we have a number of young senators, just like you. We have "Queen of the North"; we have Sen. Tabitha Mutinda, Sen. Okenyuri, Sen. "VIP" Asige, Sen. Oketch Gicheru, Sen. Orwoba and many others. So, this is a House of brains and of young people too.

Feel welcome to the Senate and come another time. I am nominated Senator, Sen. Beatrice Ogola. The ODM party nominated me to I serve in the Senate.

The Deputy Speaker (Sen. Kathuri): Sen. M.Kajwang, now that you have showed up in this House, the students behind me are from your county. Do you have a word for them for one or two minutes?

Sen. M. Kajwang': Thank you, Mr. Deputy Speaker, Sir. I was actually rushing to be able to catch your eye to welcome the students from Homa Bay County. I would like to welcome them to the Senate and to also let them know that very soon Sen. M.

Kajwang' and Sen. Ogola will be out of this Chamber to pursue other greener pastures. There will be a vacancy, which I hope they will be willing to fill.

I also want to encourage them that leadership is not only in the political field, but they should aspire to be leaders in their professional fields. They can be leaders in the religious realm. They can be leaders at different levels. So, now that they have made it to the Senate today, it already indicates that they have got some leadership skills in them. Let them not just apply to the political field.

Finally, I also want to assure the young boys and men from Homa Bay County that this House is committed towards making devolution work so that in future we can have tarmac roads in Homa Bay and Migori. You do not have to come to Nairobi. We are keen on ensuring that at least every county has a city.

Mr. Deputy Speaker, Sir, I am sure that this House is going to approve the request by Eldoret County to be a city and soon, we will also be saying that we want Homa Bay to be a city; a city by the lakeside and a city that will be a leading destination for knowledge-based innovation, blue economy and those kinds of things. That is the kind of future we want to build for them so that they do not look at Nairobi as the centre of Kenya, but they look at their counties as places where they can get opportunities.

I thank you.

MESSAGE FROM THE NATIONAL ASSEMBLY

EXTENSION OF MANDATE OF THE NATIONAL DIALOGUE COMMITTEE

The Deputy Speaker (Sen. Kathuri): Hon. Senators, I wish to report to the Senate that pursuant to Standing Order 46(3) and (4), I received the following Message from the Speaker of the National Assembly with respect to the National Assembly's resolution on the extension of the mandate of the National Dialogue Committee passed on Tuesday, 17th October, 2023.

The Message, which is dated Wednesday, 18th October, 2023, was received on Wednesday, 18th October, 2023, in the office of the Clerk of the Senate. Pursuant to the said Standing Order, I now report the Message.

Pursuant to the provisions of Standing Order 41(1) of the National Assembly Standing Orders I hereby convey the following Message from the National Assembly.

Whereas the National Assembly and the Senate considered and passed a resolution on the establishment of a National Dialogue Committee on 16th August, 2023 and 29th August, 2023, respectively; and whereas, the National Dialogue Committee was mandated to, amongst other roles, facilitate dialogue, build consensus and recommend appropriate constitutional, legal and policy reforms on issues of concern to the people of Kenya and to report to the leadership of the Kenya Kwanza and Azimio coalitions and to Parliament within 60 days from 29th August, 2023.

Further, whereas on Tuesday, 17th October, 2023, following a request from the National Dialogue Committee the National Assembly considered and passed a resolution

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

on the extension of the mandate of the National Dialogue Committee by a further 30 days from 28th October, 2023.

Now, therefore, in accordance with the provisions of Standing Order No.41(1) of the National Assembly Standing Orders, I hereby convey the resolution of the National Assembly to the Senate for consideration.

Hon. Senators, as you may be aware the Senate considered and passed a resolution to extend the mandate of the National Dialogue Committee by a further 30 days from 28th October, 2023, on Wednesday, 18th October 2023. This decision has been communicated to the National Assembly.

I thank you.

(Resumption of Statements)

Now, let us move to the Statement by the Senator for Tana River County, Sen. Mungatana.

What is your point of Order, Sen. Dullo?

Sen. Dullo: Mr. Deputy Speaker, Sir, you have not committed my Statements.

The Deputy Speaker (Sen. Kathuri): I will commit all of them once we are through.

Sen. Dullo: Okay.

CONTRACTUAL EMPLOYMENT AND DELAYED
COMPENSATION AT HOLA REFERRAL HOSPITAL

Sen. Mungatana, MGH: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the status of contractual employment and delayed compensation for staff at Hola Referral Hospital in Tana River County.

In the Statement, the Committee should-

(1) Elucidate the reasons behind the prolonged delays in compensating labourers employed on contract terms at the Hola Referral Hospital.

(2) State factors that contribute to the concerning trend of individuals working on a contractual basis for up to 20 years without transitioning to permanent employment status at the referral hospital.

(3) Provide a report on the referral hospital's employment and compensation policies, including findings and recommendations for ensuring adherence to lawful employment practices and timely compensation of employees.

The Deputy Speaker (Sen. Kathuri): The next Statement is by Sen. Shakilla Abdalla.

UPGRADE OF LAMU AIRPORT

Sen. Shakila Abdalla: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transport and Housing regarding the upgrade of Lamu Airport.

In the Statement, the Committee should-

(1) Outline steps taken by the Government to address the perennial problem of intermediate power supply in Lamu Airport;

(2) State when the Airport will be connected to the national grid given that it currently uses solar energy;

(3) Provide a status update on the fulfilment of the Government's commitment made by the then Principal Secretary for the State Department for Transport on 15th September 2021 to establish a water desalination plant at the airport to address the perennial water shortage;

(4) Explain why the general upgrade works at the airport which began in March 2021 and were projected to take six months are yet to be completed;

(5) Outline measures to ensure the completion of the upgrade works without further delay, stating the project timeframe and indicating any budgetary allocation made for the upgrade work since 2021 proving a breakdown of its utilization.

The Deputy Speaker (Sen. Kathuri): Thank you.

The Senator for Kisumu County has delegated his Statements to the Nominated Senator, Sen. Lemaletian.

Sen. Lemaletian, how many Statements have you been allowed to read?

Sen. Lemaletian: Mr. Deputy Speaker, Sir, they are three.

The Deputy Speaker (Sen. Kathuri): Kindly, proceed.

STATE OF COFFEE INDUSTRY IN KISUMU COUNTY

Sen. Lemaltian: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the state of the coffee industry in Kisumu County.

In the Statement, the Committee should-

(1) State measures put in place by the County Government of Kisumu to enhance coffee farming and value addition, and also ramp-up registration of coffee farmers' co-operative societies in Kisumu County.

(2) Provide details on extension and support services currently available to coffee farmers in Kisumu County as well as those planned for roll-out.

(3) Inform the Senate of the budgetary allocation and utilization by the national and county governments for initiatives and programmes intended to boost the coffee industry in Kisumu County.

(4) Disclose details of any local or international partnerships entered into by the county government aimed at boosting the coffee industry in Kisumu County.

WATER AND SANITATION SITUATION IN KISUMU COUNTY

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the water and sanitation situation in Ahero, Kombewa, Maseno, Muhoroni and Sondu towns in Kisumu County and their environs.

In the Statement, the Committee should-

(1) Inform the Senate of the current status of access to clean and safe drinking water as well as waste water management in Ahero, Kombewa, Maseno, Muhoroni, and Sondu towns in Kisumu County and their environs.

(2) Indicate the sources of clean and safe drinking water for the towns, clarifying whether the water supply is sufficient;

(3) Provide information on the coverage of water piping infrastructure in the towns.

(4) Highlight any recent improvements done on the water piping infrastructure and also clarify whether there are plans by the County Government of Kisumu to replace old water and sanitation pipes.

(5) State the budgetary allocation set aside by the county government for the development of water and sanitation infrastructure and services in the county.

OWN SOURCE REVENUE COLLECTION
IN KISUMU COUNTY

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Finance and Budget regarding our source revenue collection in Kisumu County.

In the Statement, the Committee should-

(1) Explain what constitutes own source revenue for the County Government of Kisumu.

(2) Provide a per-year schedule of own source revenue collected *vis-à-vis* its expenditure by the county from Financial Year 2013/2014 to Financial Year 2022/2023.

(3) Explain the system of collection of own source revenue put in place by the County Government, indicating any inefficiencies observed, so far.

(4) Outline strategies and mechanisms the county has adopted to enhance the collection of its source revenue.

The Deputy Speaker (Sen. Kathuri): Thank you.

Hon. Senators, I urge other Senators to do what Sen. (Prof.) Tom Ojienda has done. When you have Statements on the Order Paper and you are not available, you delegate to your colleagues.

I thank Sen. (Prof) Tom Ojienda for the working chemistry that he has with Sen. Lemaletian.

(Laughter)

Thank you very much for that.

The next statement is by Sen. Abbas.

Sen. Abass: Mr. Deputy Speaker, Sir, I have two Statements and wish to read them all.

The Deputy Speaker (Sen. Kathuri): Kindly proceed.

STATE OF THE LIVESTOCK SECTOR IN KENYA

Sen. Abass: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Agriculture, Livestock and Fisheries regarding the state of the livestock sector in Kenya.

In the Statement, the Committee should-

(1) Indicate the contribution of the livestock sector to the national Gross Domestic Product (GDP).

(2) Indicate the budgetary allocation for the sector in the current financial year indicating whether it is commensurate to its GDP contribution.

(3) Inform the Senate on the actions that the Government has taken to address the budgetary challenges faced by the livestock sector.

(4) State the number and estimated value of livestock that died during the last year as a result of drought, indicating any plans to facilitate the restocking of the livestock.

(5) Outline measures put in place by the Government to mitigate the effects of drought on livestock and to promote and market livestock products.

NON-IMPLEMENTATION OF PRESIDENTIAL ORDER ON ESTABLISHMENT OF NLDPS

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No. 53(1) to seek a Statement from the Standing Committee of Agriculture, Livestock and Fisheries regarding the non-implementation of the Presidential order on the establishment of National Livestock Development Promotional Service Legal Notice No.087 of 2016, which was signed by His Excellency Uhuru Kenyatta, the Fourth President of the Republic of Kenya on 2nd June, 2016.

In the Statement, the Committee should-

(1) State why the National Livestock Development and Promotion Service Order, 2016 has not been implemented to date.

(2) State whether any budgetary allocation has been made for the implementation of the Order and, if so, explain how the funds have been used.

(3) Report on any consultations undertaken by the Government with key stakeholders in the livestock sector on the implementation of the Order, stating the key concerns raised.

(4) Highlight the implications of the non-implementation of the Order on the livestock sector in Kenya.

(5) Outline the action plan for the full implementation of the Order.
The Deputy Speaker (Sen. Kathuri): Sen. Osotsi, please proceed.

RECRUITMENT IN THE PUBLIC SERVICE

Sen. Osotsi: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on National Cohesion, Equal Opportunity and Regional Integration regarding recruitments in public service and the representation of Kenya's diversity.

In the Statement, the Committee should-

(1) Table a comprehensive report on the number of recruitments done by the Public Service Commission of Kenya and all parastatals, over the past one year, indicating the positions filled and the criteria used for candidate selection.

(2) Provide statistics on the demographic composition of employees of the Public Service Commission and all parastatals in terms gender, age bracket and ethnicities, indicating the percentage of employees living with disabilities.

(3) Present data on the demographic composition of the leadership for all parastatals that is the Chairpersons, Directors and Chief Executive Officers/Director Generals, specifying their gender, age, ethnicity and whether they are persons living with disabilities.

(4) State measures and policies in place to ensure that Public Service Commission and parastatals prioritize inclusivity in their workforce and actively promote equal opportunity for women, youth, Persons with Disabilities (PwDs) and persons of all ethnicities.

The Deputy Speaker (Sen. Kathuri): Sen. Mwaruma, please proceed. You have two Statements.

OPERATIONS OF THE KENYA NATIONAL LIBRARY SERVICES

Sen. Mwaruma: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to request a statement from the Standing Committee on Information, Communication Technology concerning the operations of the Kenya National Library Services.

In the statement, the Committee should-

(1) Enumerate the movable and immovable assets owned by the Kenya National Library Services, detailing their specific locations across counties and sub-counties.

(2) List assets and their particulars transferred since the devolution of library services to county governments.

(3) Present a detailed account of staff rank progression across different job groups over the past 12 years.

(4) Verify if the Kshs40 million allocated by the National Treasury for staff promotions was disbursed, and if so, identify the beneficiaries of this fund.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

CLASSIFICATION OF TSAVORITE GEMSTONES
AS STRATEGIC MINERALS

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53 (1) to seek a Statement from the Standing Committee on Land, Environment and Natural Resources regarding the classification of tsavorite gemstones as strategic minerals.

In the Statement, the Committee should-

(1) Explain the criteria used to categorize tsavorite gemstones as strategic minerals.

(2) Inform the Senate of the criteria to be used by the National Mining Corporation to select private investors to participate in the joint venture for the mining of tsavorite gemstones.

(3) Clarify whether the Government intends to incorporate artisanal miners and other small scale tsavorite miners into the mining works to safeguard their livelihood and, if so, state their stake in the said joint venture.

(4) Disclose how the Government intends to compensate land owners who occupy the vast lands in Taita Taveta County which host tsavorite gemstones deposits.

(5) State how the local community and the County Government of Taita Taveta will benefit from the mining venture.

OPERATIONALISATION OF THE WILDLIFE MANAGEMENT ACT

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Senate Committee on Land, Environment and Natural Resources regarding the operationalization of the Wildlife Management Act currently in place.

In the statement, the Committee should-

(1) Clarify which Wildlife Management Act is currently in use stating whether Kenyans are aware that the Wildlife Act of 2018 was declared unconstitutional.

(2) Explain the criteria used in appointing county commissioners as chairpersons of the wildlife compensation committee despite the Wildlife Act of 2013 vision of having wildlife experts in this role.

(3) Table a list of victims from Taita Taveta County affected by human-wildlife conflicts from 2013 to date detailing the nature of their claims and the status of their payments.

(4) Provide reasons for both the delayed compensation payments to claimants and the instances where they receive only partial payments from the awarded amount.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Mundigi.

(Sen. Joe Nyutu consulted loudly)

Sen. Munyi Mundigi: Mr. Deputy Speaker, Sir, there is a lot of noise here. I am going to read a Statement on education and teachers yet the Chairman of the Standing Committee on Education is making a lot of noise.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

The Deputy Speaker (Sen. Kathuri): Sen. Mundigi, you are protected. Please proceed to make your Statement.

WELFARE OF TEACHERS WHO ADMINISTER
AND MARK NATIONAL EXAMINATIONS

Sen. Munyi Mundigi: Thank you, Mr. Deputy Speaker, Sir.

I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the welfare of teachers engaged by the Kenya National Examination Council (KNEC) to administer and mark national examinations.

In the Statement, the Committee should-

(1) Table the contracts entered into by KNEC and teachers who are engaged to administer and mark national examinations, disclosing the party that negotiates the terms of the contracts on behalf of the teachers.

(2) State the remuneration package for the teachers explaining the criteria used to determine the remuneration.

(3) Clarify whether there are any plans to enhance the welfare and remuneration package for the teachers engaged to administer and mark national examinations to cushion them from the rising cost of living.

(4) Inform the Senate of all outstanding allowances payable to teachers who previously administered and marked national examinations, stating when the allowances and accrued interest will be paid.

(5) Outline measures put in place by the Government to ensure the timely payment of allowances to teachers who will administer and mark the 2023 national examinations.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Okiya Omtatah.

FAILURE BY MINISTRY OF EDUCATION TO HARMONIZE
ISSUANCE OF SCHOLARSHIPS NATIONWIDE

Sen. Okiya Omtatah: Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the failure by the Ministry of Education to harmonize the issuance of scholarships nationwide.

In the Statement, the Committee should-

(1) State the reason(s) for failure by the Ministry of Education to harmonize the issuance of scholarships and bursaries nationwide.

(2) Explain why needy students still struggle to transition from primary to secondary schools and to tertiary education institutions despite there being a Government directive/policy on 100 per cent transition, yet there are Government scholarships and bursaries that are supposed to help them in this transition;

(3). State whether the Ministry has a public database of all those who receive scholarships and bursaries which would aid in ensuring that public money is used to support deserving cases and that no student receives funding from multiple sources.

(4). Provide county-based data on scholarships and bursaries the Ministry has issued since 2013 when county Governments came into force.

The Deputy Speaker (Sen. Kathuri): Next Statement is by Sen. Githuku of Lamu County.

OPEN MINES LEFT DURING GARSEN-LAMU
ROAD CONSTRUCTION PROJECT

Sen. Githuku: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Roads, Transportation and Housing regarding the open mines left by the contractor for the Garsen-Lamu road construction project.

In the Statement, the Committee should-

(1) Outline steps taken by the Government to ensure the open mines left by the contractor for the Garsen-Lamu road construction project are refilled noting that they continue to pose safety risks to humans and animals.

(2) Indicate the timelines for the rehabilitation of the open mines to address the safety concerns.

(3) Provide details on the contractual obligations and oversight mechanisms in place to ensure that contractors are held accountable for restoring land used in any road construction.

STATUS OF NHIF COVER ROLLED OUT BY
LAMU COUNTY GOVERNMENT

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Health regarding the rollout of National Health Insurance Fund (NHIF) cover by the County Government of Lamu.

In the Statement, the Committee should-

(1) Indicate whether there has been a change in policy necessitating the re-registration of all persons previously registered for the NHIF cover in Lamu stating whether public participation was conducted.

(2) Disclose the total expenditure *vis-à-vis* the allocated funds per family for the NHIF cover.

(3) Outline the criteria that households should meet in order to be eligible for enrolment in the health cover funded by the County Government.

(4) Clarify whether the health cover funded by the County Government of Lamu includes provisions for emergencies and chronic diseases, and if so, to what extent.

MANAGEMENT OF THE LAMU COUNTY
SCHOLARSHIP PROGRAMME

Mr. Deputy Speaker, Sir, I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education regarding the management of the County Scholarship Program in Lamu County.

In the Statement, the Committee should-

(1) Explain the reason(s) leading to the reduction of money allocated to the County Scholarship Programme from Kshs176 million to Kshs120 million.

(2) Provide details of all applicants and beneficiaries of the said programme over the Financial Year 2022/2023 to date, outlining any conditions imposed by the county Government for one to qualify for the programme.

(3) Investigate allegations that the County Government has discriminated against certain communities in Lamu County during the issuance of the scholarships in the name of affirmative action.

(4) Outline any measures the County Government of Lamu has put in place to ensure accountability and transparency in recruiting, assessing and shortlisting successful applicants for the Scholarship programme.

The Deputy Speaker (Sen. Kathuri): Thank you.

Next is Sen. Wafula.

OPERATIONAL VIABILITY OF MMUST, WEBUYE CAMPUS

Sen. Wafula: Thank you, Mr. Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Education concerning the operational viability of the Webuye Campus of the Masinde Muliro University of Science and Technology.

In the Statement, the Committee should-

(1) Provide a report on the operational status of the Webuye Campus, Masinde Muliro University of Science and Technology, shedding light on reports that the campus is collapsing;

(2) State the number of students at the campus and disclose steps and actions that have been initiated to address reported decline of student population at the Webuye Campus;

(3) State the criteria used by the Government during this academic year's admission process, noted that Webuye Campus of Masinde Muliro University of Science and Technology (MMUST) was not allocated any student admission slots; and,

(4) Elucidate on the status and plans relating to the land in Webuye that was acquired with the aim of expanding the campus.

The Deputy Speaker (Sen. Kathuri): Thank you.

Proceed, Sen. Crystal Asige.

IMPLEMENTATION OF COURT ORDER MANDATING
REGISTRAR OF TRADE UNIONS TO REGISTER KMU

Sen. Crystal Asige: I thank you, Mr. Deputy Speaker, Sir.

Very frustrated Kenyan musicians have sent me here to rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Labour and Social Welfare on the status of implementation of the court order mandating the Registrar of Trade Unions to register the Kenya Musicians Union (KMU).

In the Statement, the Committee should-

- (1) Provide an update on the progress made by the Registrar of Trade Unions in complying with the court order issued by Justice James Rika on 22nd August, 2023 stating timelines for its full implementation; and,
- (2) Clarify any factors or circumstances hindering the registration of the KMU, if any.

Thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Olekina.

NON-REMITTANCE OF DEATH AND DISABILITY BENEFITS
TO PUBLIC SERVICE EMPLOYEES

Sen. Olekina: Thank you, Mr. Deputy Speaker, Sir. I rise pursuant to Standing Order No.53(1) to seek a Statement from the Standing Committee on Labour and Social Welfare regarding the non-remittance of death and disability benefits to public service employees in compliance with Section 6(4) and Section 30 of the Public Service Superannuation Scheme (PSSS) Act of 2012.

In the Statement, the Committee should-

- (1) State whether the PSSS Board of Trustees has undertaken an audit and documented all death and disability claims from institutions governed by the PSSS Act, 2012 that have not been settled from 2021 to date;
- (2) Provide details on whether the nominated beneficiaries or executors or rightful owners have received the death in service or disability benefits in line with the Act;
- (3) State when the next of kin of the 4,094 teachers - and I am happy that Sen. Munyi Mundigi has raised a concern about teachers - that died since 2016 and the over 30,000 recorded occupational illnesses and injuries would be paid their benefits;
- (4) Provide details on when further disciplined services like the National Police Services (NPS) and Kenya Prisons will be fully compensated noting that there exists over 1,000 outstanding death and disability claims pertaining to a period from 2016-2018;
- (5) Give details on why the NPS and the Kenya Prison Service were provided with only one-year benefits by the National Health Insurance Fund (NHIF) as the insurer, as opposed to five years' life and death disability benefits as per the PSSS Act;
- (6) State whether the Judiciary has procured the insurance benefits for their staff in line with the Act;

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(7) Give details on whether the Public Service Commission (PSC), the Teachers Service Commission (TSC), the Judicial Service Commission (JSC) and the National Police Service Commission (NPSC), Workmen Injury Benefit (WIBA) and the Group Personal Accident (GPA) claims as well as medical benefits and riding covers therein for all public servants - the claims should cover 2016-2023 - that have not been paid since the inception of the Human Resources Manual (HRM) Manual in 2016 have been paid;

(8) Indicate whether the Ministry of Public Service, Performance and Delivery Management, on behalf of the PSC, wrote a circular to all public institutions on the mandatory and I repeat this, Mr. Deputy Speaker, Sir, on the mandatory requirement on the PSSS Act No.8 of 2012 and the Human Resource and Procedure Manual of May, 2016.

(9) State if the Ministry of Public Service, Performance and Delivery Management in collaboration with the National Treasury and in compliance with Section F15(1)(2), Page 101 of the Booklet, Subsection - Source of Compensation Funds, on the Human Resource and Procedure Manual of May 2016, has set aside all budgetary allocation under each procurement plan for each public institution; and whether it has availed it to the NHIF in line with approvals by the National Treasury, Gazette Notices No.27 of 20th March, 2020, No.3105 of 17th April, 2020, & No.4240 of 16th June, 2020, where NHIF was allowed to operate as a fully-fledged licensed insurance company – I bet not regulated by the Insurance Regulatory Authority (IRA) - to insure the Government and all its affiliated personnel.

(10) Indicate if the circulars to direct all the public institutions under the PSSS Act 2012, provided their staff data to the NHIF to facilitate provision of the cited covers with premiums having been paid by the Government through the National Treasury. The classes of Insurance as per the Act and the HRM Manual are -

- (a) Medical Insurance Benefit - Page 58 D.4(1) & (2)(c) of the HRM Manual.
- (b) Group Life & disability cover - five years basic salary on Page 75, Item D38
- (2).
- (c) Group Personal Accident – five years basic salary on Page 102/103, Item F17.
- (d) Work Injury Benefit Act – eight years gross pay on Page 102/103, Item F.17.

Mr. Deputy Speaker, Sir, this is a very important Statement and I hope that the Committee that you will assign this Statement to will follow through to ensure that our civil servants are compensated.

I thank you.

The Deputy Speaker (Sen. Kathuri): Sen. Kibwana.

ONGOING DEMOLITIONS AND REPORTS OF ILLEGAL LAND GRABBING
OF LR No. 7815/1, 10424, 10425, 8784/4, AND 8786
IN ATHI RIVER, MAVOKO CONSTITUENCY

Sen. Kibwana: Thank you, Mr. Deputy Speaker, Sir. My Statement is on the ongoing demolitions and reports of illegal land grabbing in Athi River, Mavoko Constituency.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

I rise, pursuant to Standing Order No.53(1), to seek a Statement from the Standing Committee on Land, Environment and Natural Resources on the ongoing demolitions and reports of illegal land grabbing of L.R. No. 7815/1, 10424, 10425, 8784/4, and 8786 in Athi River, Mavoko Constituency, said to belong to the East African Portland Cement Company.

In the Statement, the Committee should-

(1) Verify land transactions involving the disputed parcels LR. No.7815/1, 10424, 10425, 8784/4, and 8786 in Athi River, Mavoko Constituency to establish the rightful owners and address the claims of illegal occupation.

(2) Disclose the role played by the Ministry of Lands, Public Works, Housing and Urban Development and the National Land Commission (NLC) in the alleged irregularity in the land documents issued, stating whether a forensic audit to establish the extent of corruption and land grabbing can be initiated.

(3) Undertake a visit of the land and establish whether the Government intends to compensate individuals holding title deeds issued by the Ministry whose properties were demolished.

(4) State the process undertaken by county governments when approving architectural and structural drawings prior to commencement of developments disclosing how the building plans for the infrastructure development on the land came to be approved.

(5) Provide an assurance that buyers of land can trust the accuracy of land titles searches and authenticity of title deeds issued by the Ministry of Lands, Public Works, Housing and Urban Development.

(6) Recommend legal and regulatory reforms to prevent such land disputes and loss of investments by innocent Kenyans.

I thank you.

The Deputy Speaker (Sen. Kathuri): Last but not the least, Sen. Cherarkey?

Sen. Cherarkey: Thank you, Mr. Deputy Speaker, Sir. I urge my colleagues to listen to this Statement keenly.

INTERDICTION OF TEACHERS SEEKING TRANSFER FROM NORTH-EASTERN REGION

Mr. Deputy Speaker, Sir, I rise, pursuant to Standing Order No.53 (1), to seek a Statement from the Standing Committee on Education on the interdiction of teachers seeking to be transferred from the North Eastern Region in line with the Teacher's Service Commission (TSC) teacher delocalization policy, allegedly due to insecurity.

In the Statement, the Committee should-

(1) Give the status of implementation of teachers' delocalization policy, specifically for teachers who have sought to be transferred to their home counties from the North Eastern Region, stating the number of requests pending approval and when they will be finalized.

(2) Explain why the TSC resolved to interdict teachers who requested to be transferred pursuant to the delocalization policy, despite the concerns and the hostility the said teachers face in their workstations.

(3) Outline any actions the TSC has taken to address the security concerns expressed by non-local teachers as evidenced by rising incidences of attacks and hostilities exhibited against the said teachers in their current duty stations.

(4) State any plans in place to secure the upcoming national examinations and teachers, with specific focus on the distribution and administering of the said examinations in these potentially insecure regions.

(5) State reasons for the inordinate delay in approval, by the TSC, of requests from teachers wishing to be transferred despite having complied with all requirements, noting that the said regions were offered an opportunity to employ teachers from the local communities.

Mr. Deputy Speaker, Sir, the right to life is very important. Teachers cannot be interdicted for simply demanding to be transferred.

The Deputy Speaker (Sen. Kathuri): Have you addressed your Statement? What are you telling me? Read the Statement as it is.

Sen. Cherarkey: Mr. Deputy Speaker, Sir, I have finished.

The Deputy Speaker (Sen. Kathuri): Okay. Thank you.

To summarize this session on Statements, I want to give at least two Senators to make general comments on all the Statements. Not on the Statement that you have made.

Sen. Maanzo: Thank you, Mr. Deputy Speaker, Sir. I rise to comment on the just concluded Statement by Sen. Cherarkey and the one for Sen. Kibwana. Under employment law, you cannot interdict someone when they seek to be transferred in a procedural way. You have to be given an opportunity to be heard. The TSC needs to relook at this. Teachers who have been interdicted for requesting to save their lives or join their families and have given good reasons, should be given back their jobs.

Secondly, is on demolitions. This country has a policy that before demolitions, you consult with the local leadership. It has been proposed by the Deputy President.

Also, the law is very clear on technicalities. After the current Constitution, you cannot dismiss any case in Kenya purely on technicalities. Therefore, on demolitions, suffering of people and destruction of property, if there is an appeal, an ongoing case or something is proven wrong, then the damage becomes too much for the Government, yet that action has been taken by people without proper consultations or instructions from their respective Ministries.

Finally, is the issue of revocation of title deeds. There is only one National Land Commission (NLC) which can do so upon public participation and if a fraud or crime has been proven. Also, the rest of the titles are under the trusteeship of the counties. Under the current law, the national Government has no mandate to deal with any title in any way other than NLC or the counties.

I thank you for the opportunity. I support all the Statements posted by Members today.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, if you need to make a comment on these Statements, you do so in two minutes. You do not need a lot of time like it is time for debate. Make your comment in two minutes.

Proceed, Sen. Wafula.

Sen. Wafula: Asante Bw. Naibu Spika kwa nafasi hii. Kwanza naanza kwa kuzungumzia Hoja ama jibu ambalo tunatafuta kuhusiana na kufutwa kazi kwa walimu ambao walikuwa wanaomba uhamisho kwenda katika maeneo ambayo yana usalama na ambayo kazi yao itashughulikiwa na Serikali.

Ni kinyume cha matarajio kwa sababu Tume ya Kuajiri Walimu huandika waalimu kazi. Lakini, haiandiki maasifa wa polisi ama vikosi vya *vigilante* kazi ya kudhibiti usalama katika maeneo hayo.

Sisi kama Seneti, lazima tusimame na waalimu. Iwapo mazingira ya kazi si mwafaka kuhakikisha wanatimiza majuku waliyopewa, lazima tuhakikishe kwamba wamepata yale wanayotarajia.

Naomba Jumba la Seneti liamrishe TSC kuwarejesha kazini waalimu hao kwa sababu hawakupewa nafasi ya kujitetea. Pia ni kinaya kwa sababu, katika Jumba la Seneti na Serikali ya Kenya ambamo mimi ni mshiriki mkubwa wa Kenya Kwanza, viongozi wa maeneo haya walitazama kwa macho walimu walipokuwa wanafutwa kazi pasipo kupaza sauti.

Sasa lazima tuwape haki walimu hawa ili wanafunzi wa nchi ya Kenya wapate yale ambayo wanastahili.

Jambo la pili ni ile Hoja ambayo Mheshimiwa ametaja kuhusiana na gharama ya afya, ama zile pesa ambazo Serikali inapaswa kupata kwa mfumo wa National Health Insurance Fund (NHIF). Tukiangaza katika kaunti mbalimbali, tunagundua kwamba kaunti zimeanza kupata mpenyezi ama nyenzo za kupora pesa, kwa kuwapa watu binafsi ama wanabiashara kazi ya kulipa gharama za afya ilhali---

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Olekina

Sen. Olekina: Mr. Deputy Speaker, Sir, I rise to support the Statement by Sen. Kibwana on this inhumane act of vandalism.

The residents of Mavoko Municipality were evicted from their homes yet we have a defined system that is supposed to be the due process of the law. When you get a title deed, it guarantees you ownership of property. You are given land.

Historically, an allotment letter would guarantee you. In Narok, Kajiado and most counties, people will give you an allotment letter as proof that they have land. It now seems like we have different jurisdictions. The court comes out and comes up with a ruling that an allotment letter is not a valid title or proof that you own that piece of land. What is it then?

It is about time we care about Kenyans. Mhe. William Ruto said that no one will ever be kicked out of their land. That they will negotiate with the land owners. Sen. Kibwana has made it very clear that the people of Machakos are Kenyans. If this land belongs to Government or the East African Portland Cement as they are saying, why could they not negotiate with them? Why are we applying selective amnesia?

It is about time the Department of Lands and the Committee on Lands, Environment and Natural Resources, take this matter seriously. Those people of Machakos County are human beings. If it was completely determined that the land belongs to East African Portland Cement, those people should have been given some time to relocate and even appeal.

What was so ironical and which really shocks many people is that the next day after those houses were demolished, there was an advertisement of sale of that land. Shame on them! These are Kenyans. If we do not stand strong and fight for Kenyans, we might as well fold and go home.

Thank you, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Let us hear from the Chair of the Committee on Lands, Environment and Natural Resources.

Sen. Methu: Mr. Deputy Speaker, Sir, I rise to comment on the statements sought by Sen. Cherarkey on the interdiction of teachers who sought transfers from the North Eastern Region.

Just as it is in the substance of this Statement, every Kenyan has a right to a good working environment. It is not illegal to seek for a transfer. Transfers are allowed if the conditions under which you are working are unfavourable. So, you cannot punish somebody because they have sought a transfer because they feel that the conditions they are working under, are unfavourable.

To add on that, a teacher is a person who has been tasked with the responsibility of ensuring that we get a good generation in the coming days. We entrust our children with the teachers. If the person entrusted to take care of our children is uncomfortable, it is then very ridiculous that we would sack them just because they sought transfer to a place that they feel has better working conditions.

Therefore, I implore the Committee on Education that is led by the Senator from Murang'a County, to ensure that they unearth and get justice for these teachers. It was very inhumane for police to teargas them when they went to the Teachers Service Commission (TSC) to get answers to this question. I do not think that is what we should do with such an integral part of our workforce.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Wamatinga.

Sen. Wamatinga: Thank you, Mr. Deputy Speaker, Sir. I rise to support the Statement on the demolition and eviction of squatters in Mavoko. We are living in the 21st Century in the digital era. People are issued with title deeds which is equivalent to the legal tender. Indeed, it is very sad that someone can issue a fake title deed.

Mind you this is in a country where we have the Director of Criminal Investigations (DCI) and functional systems. We even have banks which give people the money to construct houses. Our county governments give licenses to construct and raise levies on the construction and yet they come and demolish the houses.

Mr. Deputy Speaker, Sir, it is very sad that you will conduct a search in the Office of the Registrar and be given a clean bill of health. You have no other resort than to assume that the land is clean, only for you to be told that the title deed was illegally allocated.

As a Government, a House and elected leadership, we must stand up and put measures and frameworks in place to ensure that no person in this country loses money in the hands of unscrupulous business people, who collaborate with Government officials to defraud Kenyans of their money. It does not matter which side of the Government or the political divide we are in. We are all Kenyans and we must stand up to count that Kenyans cannot continue losing money, year in year out.

In this time and age of digitalisation, we will demand that the Registrar of Land ascertains that all title deeds held by Kenyans, are indeed issued by the Government and, therefore, they are legal tender, valid and nobody is going to lose money.

Mr. Deputy Speaker, Sir, as I sit down ---

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Joe Nyutu.

Sen. Joe Nyutu: Thank you, Mr. Deputy Speaker, Sir, for this opportunity. I do not want to make much contribution about the statements sought relating to the teachers and their welfare. By so doing, I could be prejudiced because we are supposed to deal with this matter at the Education Committee.

Relating to the Statement sought by Sen. Cherarkey, it is evil and immoral for a teacher to be interdicted because they were unable to survive in a place that is prone to insecurity. I do not want to go into the nitty-gritties about the same because this will be explained at the Committee level by the TSC.

However, allow me to comment on the Statement sought by Sen. Kibwana, relating to evictions and demolitions in Machakos County. We all condemn any inhumane demolitions. As leaders, we must also take responsibility. County governments are charged with the responsibility of approving building plans. They should be going around through the relevant departments to see the development being carried out.

It was very sad to see the Governor of Machakos County crying; while this was the same person who was supposed to see that things were going wrong. As these buildings were being put up, these residents should have been advised by the Machakos County Government, that the land---

The Deputy Speaker (Sen. Kathuri): Sorry, your time is up. Proceed, Sen. Munyi Mundigi.

Sen. Munyi Mundigi: Asante, Bw. Naibu Spika. Ninashukuru kwa sababu leo kauli nyingi zimesomwa na wenyekiti wa Kamati nyingi walikuwa hapa, akiwemo Mwenyekiti wa Kamati ya Elimu.

Takriban Kauli tano zilizosomwa leo, zilikuwa kuhusu elimu. Ni maajabu kuwa na elimu bila walimu. Elimu haiwezi kuendelea vizuri katika nchi yeyote bila mwalimu. Mtoto anapozaliwa, anaanza kufunzwa na mwalimu baada ya miaka nane. Kama kuna mtu ambaye anafanya kazi nzuri, ni mwalimu awe wa shule ya msingi, sekondari na hata mwalimu yeyote yule.

Kwa hivyo ninaomba kutoka leo, Mwenyekiti wa Kamati ya Elimu aende aangalie ni kwa nini kila wakati watu wanalalamika juu ya elimu. Utakuta mwalimu anafanya kazi lakini anapostaafu, halipwi pesa zake na hakuna marupurupu. Wakati mwingine, utakuta kwamba yeye ndiye anaenda kusahihisha mtihani. Ili tupunguze wizi

wa mtihani au njia za kupita mtihani ambazo hazifai, ni lazima mambo ya walimu yaangaliwe.

Kila mwaka, kuna mtihani wa kitaifa wa shule ya sekondari na ya msingi na walimu wanahusihwa katika kusahihisha karatasi za wanafunzi. Tatizo ni kwamba walimu hao hawalipwi pesa zao.

Kwa hivyo, ninaomba wakienda kuangalia mambo ya walimu, waweze kuangalia vizuri jinsi walimu watalipwa na Kenya National Examination Council (KNEC), kila waendapo kusahihisha mitihani. Kamati ya Elimu ichunguze mambo ya walimu kabisa.

Asante.

The Deputy Speaker (Sen. Kathuri): Proceed Sen. Orwoba.

Sen. Orwoba: Thank you, Mr. Deputy Speaker, Sir. I rise to add my voice to the Statement sought by Sen. Munyi Mundigi on the welfare of the teachers who are engaged in the upcoming national exams; in terms of administering and marking exams. For the first time in the Senate, we have an opportunity to play our oversight role on matters that have not yet occurred, instead of sitting and waiting for teachers to complain that they have not been paid after administering and marking exams. For the first time, we have the opportunity to oversight.

I support the request by Sen. Munyi Mundigi in terms of having transparency of those contracts and the engagements of the teachers so that we can establish whether they are being paid enough to administer and mark exams. In terms of the conditions, at times these teachers are put up in cramped up areas and are expected to have high output. If this Senate can see to it that the welfare of these teachers is proper beforehand, then we shall be breaking the record being the Upper House and on oversight.

I thank you.

The Deputy Speaker (Sen. Kathuri): Proceed Sen. Tabitha Mutinda.

Sen. Tabitha Mutinda: Thank you, Mr. Deputy Speaker, Sir. I rise first to support the Statement from Sen. Munyi Mundigi. All of us seated in this House went through an education system. If these exams were not marked during our time, then I do not know who would be here. We pride ourselves in teachers from these institutions. We are a product of the education system.

I support that this information, in regard to the contracts they have engaged during the examination period, be disclosed. It is one thing to disclose and another to ensure that these payments are done. These are teachers who have families, they take care of our children out there and shape the generations to come.

Allow me to touch on the Statement by Sen. Kibwana on demolitions in Mavoko. I support this Statement because this is Ukambani land. I come from this region and we are very saddened by what has happened. Families have been really affected. Cartels that have been mentioned by the Directorate Criminal Investigations (DCI) should be responsible and answer questions from Kenyans as to why they fraudulently led Kenyans to this kind of menace yet they collected money.

The former Governor, Hon. Alfred Mutua came out in 2015 and pronounced himself that the land was not private and members were to be very careful in terms of

being sold the land fraudulently. It is high time that the list is expanded to ensure more culprits compensate the affected victims. It is sad and we continue to state that---

The Deputy Speaker (Sen. Kathuri): Thank you. Sen. Kinyua proceed.

Sen. Kinyua: Asante Bw. Naibu Spika kwa kunipa fursa hii. Nataka kuipongeza taarifa iliyoletwa na Sen. Munyi Mundigi na Sen. Cherarkey. Najua kuwa mfanyikazi yeyote wa serikali anapoajiriwa anapeana maelezo ya kuwa anaweza kufanya kazi mahali popote katika Jamuhuri ya Kenya.

Kuna wakati ambapo maji yanazidi unga. Unapata sehemu zingine hazina usalama wowote na watu wanashambuliwa. Ni jukumu la Serikali kulinda mali na maisha ya mwananchi anapoenda sehemu ambayo maisha yake yako hatarani.

Walimu walioenda sehemu ambazo hazina usalama walisema kuwa ni vizuri watolewe katika sehemu zile. Taasisi ya Elimu kuwafuta kazi ni unyama unaopaswa kukemewa na kila mtu. Walimu ni wananchi ya Kenya na wana uhuru na haki ya kufanya kazi popote wanapotaka. Kukiwa na hali hatari---

Tunaelezwa kuwa kuna *El Nino* hivi karibuni na watu wamepewa ushauri wahamie sehemu za juu ili kuzuia maangamizi. Usipoenda, utaangamia. Vile vile, hata wale waalimu wakiona maisha yao yako hatarini wanapaswa kuambia Serikali ili watolewe kule. Inajulikana kuwa kuna watu fulani waliyosema kuwa hawafai kuwa sehemu hizo.

Sen. Munyi Mundigi aliongea juu ya waalimu ambao washughulikia mambo ya mitihani. Walimu wale wanafanya kazi nzuri sana. Wanasimamia mitihani mikuu. Wasiposhughulikiwa vizuri utapata wanafunzi wamepokea alama zisizo zao kwa sababu walimu hao---

The Deputy Speaker (Sen. Kathuri): Okay. Next Order.

(The Clerk-At-The-Table approached the Chair)

The Deputy Speaker (Sen. Kathuri): There is a Statement by the Senate Majority Leader.

Senate Majority Whip kindly proceed.

BUSINESS OF THE WEEK COMMENCING
TUESDAY, 31ST OCTOBER 2023

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, Pursuant to Standing Order No.(1), I hereby present the business of the Senate for the week commencing Tuesday, 31st October, 2023. As you are aware, in accordance with the Senate Calendar approved on 16th February, 2023, the Senate will proceed on a one-week recess at the rise of the House today. Regular sittings of the Senate will resume on Tuesday, 31st October, 2023.

During the sitting of the Senate held on 12th October, 2023, the Senate passed five Bills, namely; the Learners with Disabilities Bill (Senate Bills No.4 of 2023), the Equalization Fund (Administration) Bill (Senate Bills No.14 of 2023), the County Governments Additional Allocations Bill (National Assembly Bills No. 23 of 2023), the

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Digital Health Bill (National Assembly Bills No.57 of 2023) and the Social Health Insurance Bill (National Assembly Bills No.58 of 2023).

Mr. Deputy Speaker, Sir, I am happy to report that the diligence and tireless effort in debating and ultimately passing these Bills demonstrated your commitment to serving the best interests of our country. I have just come from a Presidential function where he has given ascent to these Bills. I am glad to report to the House that the President has given high comments about the work of the Members of this House and of course, the National Assembly as far as this Bill is concerned.

However, we still have a long way to go before the end of the Session as there are 29 Bills that are pending conclusion. Of these, 23 are at the Second Reading stage, while six are at the Committee of the Whole stage. A number of the Bills that are at the Second Reading stage were recently read a First Time.

I take this opportunity to urge the respective Standing Committees to prioritize consideration of the Bills and to table reports therein pursuant to Standing Order No.148. I also urge the respective movers of Bills at the Second Reading stage to be available in the Chamber whenever they are scheduled in the Order Paper to prosecute them.

For the Senate to conclude consideration of Bills at the different stages, it is necessary for the requisite number of county delegations to be present in the House. I therefore urge the party whips to ensure that sufficient number of county delegations is achieved for Divisions on these Bills to be undertaken when due.

Mr. Deputy Speaker, Sir, 18 Motions are pending conclusion before the Senate and accordingly scheduled by the Senate Business Committee in the Programme of Senate Business each week. I urge the respective Movers of the Motions to be available in the Senate when the Motions are listed in the Order Paper to Move them.

With regard to Petitions, the Senate has received 40 Petitions. Out of these, nine have been reported on by the respective Standing Committees. Pursuant to Standing Order No.238(2), 24 other Petitions are due for reporting by the respective Standing Committees.

The following is a schedule indicating the Standing Committees that are yet to report on the said Petitions-

NO	COMMITTEE	PETITIONS
1.	Standing Committee on Agriculture, Livestock and Fisheries	2
2.	Standing Committee on Devolution and Intergovernmental Relations	1
3.	Standing Committee on Education	2
4.	Standing Committee on Finance and Budget	1
5.	Standing Committee on Health	1
6.	Standing Committee on Justice, Legal Affairs, and Human Rights	1
7.	Standing Committee on Labour and Social Welfare	2

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

8.	Standing Committee on Land, Environment, and Natural Resources	7
9.	Standing Committee on National Security, Defence, and Foreign Relations	2
10.	Standing Committee on Roads, Transportation and Housing	4
11.	Standing Committee on Trade, Industrialization and Tourism	1
	TOTAL PETITIONS	24

I urge the Standing Committees to redouble their efforts, conclude on the Petitions, within the coming days, and table reports thereon as provided in the Standing Orders.

On the matter of Statements, 218 Statements are pending conclusion by respective Standing Committees. I urge the Committees to expeditiously consider the Statements before them and to table reports pursuant to the Standing Orders. I also urge that Committee Chairpersons use Standing Order No. 56 (1) to update the House on the progress of Statements or other business before the Committee.

At the meeting of the Senate Business Committee held on 17th October, 2023, the Committee approved the next set of Questions to be scheduled in the Order Paper for Wednesday, 1st November, 2023 (Morning Sitting). You will note that these are the same questions that had been scheduled for yesterday, Wednesday, 18th October, 2023. The summary of the Questions is as follows-

(1) Question No.18 by Sen. James Lomenen, MP, to the Office of the Prime Cabinet Secretary and Ministry of Foreign and Diaspora Affairs on the inaction of the Kenyan Government to hasten the release of the Turkana pastoralists arrested in Uganda.

(2) Question No.19 by Sen. George Mbugua, MP, to the Cabinet Secretary, Ministry of Health concerning accessibility of health facilities and services to Persons with Disabilities (PwDs).

(3) Question No.41 by Sen. James Murango, MP, to the Cabinet Secretary, Ministry of Public Service, Performance and Delivery Management, concerning the categorization of Mwea Constituency as a hardship area; and

(5) Question No.63 by Sen. (Dr.) Boni Khalwale, MP, to the Cabinet Secretary, Ministry of Health, on the status of completion of the construction project for the Kakamega Teaching and Referral Hospital.

At its meeting held on 17th October, 2023, the Senate Business Committee deliberated on the matter of non-appearance of Cabinet Secretaries to respond to Questions and resolved that the matter be brought to the attention of His Excellency the President.

Cabinet Secretaries who fail, without reasonable cause, to appear before the Senate will be censured pursuant to Standing Order 51D. In the meantime, my office will continue engaging the Office of the Prime Cabinet Secretary whose docket of

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

parliamentary affairs is domiciled to ensure that Cabinet Secretaries appear before the Senate when scheduled.

Finally, I want to thank the Houses of Parliament for passing a resolution for the extension of the mandate of the National Dialogue Committee. As a Member of the Committee, I want to assure the people of Kenya that we shall work tirelessly and thereby submit a report within the extended timeline.

I thank you and hereby lay the statement on the Table of the Senate.

(Sen. (Dr.) Khalwale laid the document on the Table)

The Deputy Speaker (Sen. Kathuri): Sen. Kinyua, what is your point of order? Is it based on the Statement made on behalf of the Majority Leader?

Sen. Kinyua: Asante Bw. Naibu Spika. Naunga mkono Kauli ya Kiongozi wa Walio Wengi katika Seneti na kumpongeza Rais, kwa kutia sahihi Miswada kadhaa ili iwe sheria, ndio nchi ya Kenya ichangamkie maswala ya afya.

Nchi haiwezi kuendelea mbele bila watu kuwa na afya njema. Naunga mkono Kauli hii na kumpongeza Mratibu wa walio Wengi, Sen. (Dr.) Khalwale, kwa kazi nzuri aliyofanya kutuleta pamoja na kupiga kura ili Miswada hii ipitishwe. Nawapongeza Kiongozi wa Walio Wachache na Kiongozi wa Walio Wengi Sen. Cheruiyot.

Kwenye Kauli hii ningependa kupongeza Wenyekiti wa Kamati kadhaa ambao wamefanya kazi nzuri. Kuna maombi mengi yamepelekwa kwenye Kamati hizi. Mwenyekiti ambaye amechangamkia kazi yake sana ni Sen. Methu, Senator wa Kaunti ya Nyandarua. Ameshughulikia maswala ya ardhi vilivyo.

Nampongeza Rais kwa kazi nzuri ambayo amefanya.

The Deputy Speaker (Sen. Kathuri): Sen. Kinyua, hutapata nafasi kama hiyo tena, kama huwezi pongeza Spika ambaye anafanya kazi kuliko maseneta wote. Umekanyanga *live wire*.

(Laughter)

Next Order.

BILLS

First Reading

THE COUNTY ASSEMBLY SERVICES (AMENDMENT) BILL (SENATE BILLS NO.34 OF 2023)

*(Order for First Reading read – Read the
First Time and ordered to be referred to
the relevant Senate Committee)*

*First Reading*THE REAL ESTATE REGULATION BILL
(SENATE BILLS NO.35 OF 2023)

(Order for First Reading read – Read the First Time and ordered to be referred to the relevant Senate Committee)

MOTIONADOPTION OF REPORT ON THE APPLICATION OF THE CONFERMENT
OF CITY STATUS TO THE MUNICIPALITY OF ELDORET

THAT, the Senate adopts the Report of the Standing Committee on Devolution and Intergovernmental Relations on the application for conferment of city status to the Municipality of Eldoret laid on the table of the Senate on Wednesday, September 20, 2023 and pursuant to Section 8(6) of the Urban Areas and Cities Act, 2011 the Senate approves the conferment of City status to the Municipality of Eldoret.

(Sen. Onyonka on 5.10.2023)

(Resumption of debate interrupted on 17.10.2023)

The Deputy Speaker (Sen. Kathuri): The debate on this Motion was interrupted on Tuesday, 17th October, 2023. Sen. Joe Nyutu had a balance of 18 minutes. If he is around, he can utilize his minutes. If he is not, then I will give the chance to any other Senator wishing to contribute to the Motion.

According to my screen, no Senator wishes to proceed and contribute. The Mover and the Chairperson of the Committee on Devolution and Intergovernmental Relations are not around as well. We will go to the next Order and next time the Mover will get an opportunity to reply.

Next Order.

What is your point of order, Majority Whip?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, I just wanted to appeal for your support on the need for us to conclude business. Since this is a fairly straightforward Motion and I am representing majority of the Members this afternoon, I want to plead that you to allow me to respond on behalf of the Mover, so that we vote and finish with this business to create room for other business to come on the Order Paper.

With your discretion, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Sen. Methu, you may have the Floor.

Sen. Methu: Mr. Deputy Speaker, Sir, I have a lot of respect for my Senate Majority Whip, but as has been the custom here, I feel that if the Chairperson has not delegated such powers to you to respond on his behalf, it will be unfair. This is because Sen. Abass has been in this Chamber and if he wanted any of us to respond on his behalf, obviously he would have delegated.

Number two, even though I know that the Majority Whip knows that we are under pressure to conclude some of these businesses, ultimately, I know this Motion will require that we vote. Maybe, we may not even have the requisite delegations to vote ultimately. However much we want to fast-track this particular business, at some point I think we will be stuck. I think I agree with the ruling you have made that you allow Sen. Abass to come and reply when he is back in the Chamber.

The Deputy Speaker (Sen. Kathuri): Hon. Senators, the reason that I might be very hesitant to conclude this business is that during debate, Senators give some input to the Motion. The only custodian of whatever happened is the chairperson of the Committee. I think it will be very unfair if we conclude this Motion without his notice and presence because maybe we might benefit from the discussions that were made during the debate.

Thank you, Majority Whip.

(Motion deferred)

Hon. Senators, I want to reorganise the business in the Order Paper. From Order No. 11, we will go to Order No. 19.

Next Order.

BILL

Second Reading

THE CARE AND PROTECTION OF CHILD PARENTS BILL (SENATE BILLS NO.29 OF 2023)

Sen. Miraj: Mr. Deputy Speaker, Sir, I beg to move that the Care and Protection of Child Parents Bill (Senate Bills No.29 of 2023) be now read a Second Time.

Sen. (Dr.) Khalwale: On a point of order, Mr. Deputy Speaker, Sir.

The Deputy Speaker (Sen. Kathuri): Majority Whip, what is your problem today? You have just said you were in a presidential function. Are you are still excited from meeting the President? What is out of order again?

Sen. (Dr.) Khalwale: Mr. Deputy Speaker, Sir, it is a question of procedure, practice and etiquette. It is starting to occur that you need to give further guidance to Members of this House. Speaking from the dispatch box is reserved for the leadership of the House. It is called practice and etiquette. You can see they do not know. Can you guide the distinguished Sen. Miraj to---

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

(Laughter)

The Deputy Speaker (Sen. Kathuri): Let the Senate Majority Whip be heard.

Sen. (Dr.) Khalwale: Can you kindly request the Mover of the Bill to go back to her place and move the Bill from there because this is the dispatch box, it is reserved. It is a big mistake.

The Deputy Speaker (Sen. Kathuri): Sen. Miraj, you may proceed.

Sen. Miraj: Mr. Deputy Speaker, Sir, I beg to move that the Care and Protection of Child Parents Bill (Senate Bills No. 29 of 2023) be now read a Second Time.

The principle objective of the Bill is to provide a legal framework for the care and protection of child parents within the counties---

The Deputy Speaker (Sen. Kathuri): Sen. Miraj, since you have almost one hour to speak to your Bill, let me first recognise the visitors and then you will be heard uninterrupted for the time you want to speak.

(Interruption of debate on Bill)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM MAWINGO SECONDARY SCHOOL

Hon. Senators, we have visiting teachers and students from Mawingo Secondary School in Nyandarua County.

Hon. Senators, in the Public Gallery, we have 41 students accompanied by two teachers from Mawingo Secondary School in Nyandarua County who are in the Senate on an education tour.

Hon. Senators, in our usual tradition of receiving and welcoming visitors to Parliament, I extend a warm welcome to them and on behalf of the Senate and on my own behalf, wish them a fruitful visit.

I thank you.

Sen. Methu, use two minutes to welcome the visitors from Nyandarua County.

Sen. Methu: Thank you very much, Mr. Deputy Speaker, Sir. Allow me to use this dispatch that I have heard today that it is a preserve of the leadership in which I serve as a chairman of a Committee.

I am very excited to welcome the teachers and students from Mawingo Secondary School in Kipipiri. The students and teachers who are here hosted us and the Deputy President on Saturday last week.

I am very excited that the biggest group of the students who are here are young men from that particular school which will be a girl's school from next year. I am very happy that the students who are here are the last lot. They have had an opportunity of coming to the Senate so that they can be able to see how we transact our business.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

My only comment as I have always said is that they should pay a lot of attention and put a lot of effort and hard work in their studies. The reason why some of us got an opportunity of coming all the way to the Senate is because we at least paid some attention to our school work. We were hard working and we excelled in academics. There is no other reason why most of us made it up to here. I wish them well as they go back.

Those who are here and are doing their exams in a week or two, I give them my best wishes. As they go back home, please pass my greetings. Say hello to your parents, thank them for voting for me and ask them to vote for me again.

Thank you very much.

The Deputy Speaker (Sen. Kathuri): Proceed, Sen. Miraj.

(Resumption of debate on the Bill)

Sen. Miraj: Thank you, Mr. Deputy Speaker, Sir. I beg to move that the Care and Protection of Child Parent Bill 2023, (Senate Bill Number 29 of 2023), be read for the second time.

Mr. Deputy Speaker, Sir, the principle objective of the Bill is to provide a legal framework for the care and protection of child parents within counties. The framework is intended to ensure that an expectant child or a child-parent may actualize the right to basic education and, at the same time ensure proper care of their children as enshrined in Article 53 of the Constitution of Kenya.

In this Bill, I intend to see that the child-parents get their constitutional right to access education even when they get early pregnancies. I also intend to ensure that the county government, through the CECMs for Education, also care for the infants.

Mr. Deputy Speaker, Sir, 60 years since Kenya gained its Independence from colonial rule, child pregnancies have remained a huge concern. They not only affect the child's ability to continue with education, they also affect the Government's efforts in reducing the poverty level in the country. As I had earlier stated, when these children get pregnant, they continue living in a cycle of poverty because they do not get a second chance to access education, which is the only determination of the success of these children.

The Kenya National Bureau of the Statistics (KNBS) in the Kenya Demographic and Health Survey conducted in 2022, noted that 15 per cent of adolescent women aged between 15 and 19 years have ever been pregnant, with 12 per cent having given birth, one per cent experiencing pregnancy loss and three per cent being pregnant with their first child.

The KNBS further noted that the number of teenage pregnancies is higher in rural setups, particularly in pastoralist communities. Compared to urban areas, it is further noted teenage pregnancies decline as the level of education rises. Further, it also declined as the level of household wealth increases.

Article 53(1)(b), (c), and (d) of the Constitution of Kenya, 2010 provides for the rights of a child to free and compulsory basic education; the rights to basic nutrition, shelter and health care; the rights of protection from abuse, neglect, harmful cultural

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

practices, all forms of violence, inhuman treatment, punishment, and hazardous of exploitative labour.

Section 13 of the Children's Act No.29 of 2022, reiterates the right of a child to basic education and mandates the Cabinet Secretary in charge of children matters, in consultations with the Cabinet Secretary in charge of Education to develop and implement policies for the realization, by every child, of the constitutional rights to education.

The Basic Education Act No.14 of 2013, provides that no child shall be denied admission to a public school. The above notwithstanding, children who fall pregnant in school, especially those born in poor households, are likely to drop out of school so that they can fend for their children. This not only affects their right to education, but also exposes them to early marriages and exploitative labour practices as they seek to fend for themselves and their children.

Mr. Deputy Speaker, Sir, some schools conduct mandatory pregnancy tests without the consent of the children. More often, the schools expel any students who are discovered to be pregnant. Such children are also exposed to ridicule and harassment and are often cited as examples of bad behaviours, thus leading them to drop out of school. It is also difficult for children who have been pregnant before to be re-admitted to the school or another school as they are often shunned by school administration fearing that admitting them will also be viewed as tolerating ill behaviour from students, which they are afraid of spreading to other students if the affected student is readmitted to school. Sometimes, the child-parents have no one to leave their new-born babies with, thus leading them to either delay re-entry to school or make them not concentrate on their studies hence resulting in poor academic results.

Mr. Deputy Speaker, Sir, existing legislation only provides the rights of the children in general and does not take care of the circumstances unique to child parents. The laws do not provide for how children who fall pregnant are to be handled by the school administrations during their pregnancy and after delivery. Current laws do not also provide for ways of ensuring that once the child-parents have given birth, they are readmitted to school and have support and access to childcare facilities, particularly for those without anyone to take care of their new-born children while in school. There is also no law providing a framework for the establishment, management and inspection of childcare facilities to ensure that they are safe for children.

There is therefore need to create a framework for children in vulnerable households to ensure that they can complete their basic education and have a better chance at having a better quality of life. This Bill therefore seeks to provide a legal framework -

(a) for the protection of rights set out under Article 53(1) (c) and (d) of the Constitution of Kenya in relation to child parents;

(b) the expectant child or child-parent can realize their rights to education and at the same time ensure the care and protection of this child; and,

(c) of standards for the establishment and regulation of care centres for child parents by county governments.

Mr. Deputy Speaker, Sir, Clauses 4, 5, and 6 of the Bill provide the obligation of the national and county governments with respect to preventing pregnant children and child parents from dropping out of schools as well as social assistance to such children.

The two levels of government are expected to collaborate in coming up with programs for social services and child care support, as well as policies reducing school dropout rates in the area.

Mr. Deputy Speaker, Sir, Clause 7 of the Bill Provides for the preparation of management plans by the school administrations, which are aimed towards reduction of dropout rates as well as prescribing how pregnant children and child parents will be handled within the school.

Mr. Deputy Speaker, Sir, Clause 8 provides for the right of pregnant and parenting students to continue with their studies for as long as they are medically capable of being in school. It provides for the right to be readmitted to schools upon delivery and weaning of the baby and the right to access adequate pre-natal and antenatal healthcare and counselling services.

Clause 9 of the Bill provides for the role of county governments in reducing dropout rates as well as ensuring that those who have dropped out are readmitted to schools and the vulnerable children who are likely to drop out of schools are catered for, so that they remain in school.

Clause 10 of the Bill provides for the role of school principals in managing teenage pregnancies in the schools. The principal is expected to inform the child's parent once there is suspicion that the child might be pregnant.

[The Deputy Speaker (Sen. Kathuri) left the Chair]

[The Temporary Speaker (Sen. Veronica Maina) in the Chair]

Clause 11 provides for medical examination to confirm that the child is pregnant. The child cannot be compelled to undergo medical examinations, and the principal may decline to inform the child's parents of the pregnancy in case they are a danger to the child.

Madam Temporary Speaker, Clauses 12 and 13 provide for the pregnant child's right to receive pre and postnatal health care and information, as well as the right to receive counselling and support services.

Clause 14 provides for confidentiality when handling the case of any child who is found pregnant within the school. Clause 15 provides where the persons responsible for the pregnancy is an adult, the school principal should disclose the same to the County Director of Education, the counsel of the nearest police station. If the person is a teacher, an additional report is to be made to the Teachers Service Commission (TSC).

Clause 16 provides for readmission of the child to the school once she has given birth. She is to be readmitted at the same level she was prior to giving birth. Clause 17 provides that the school shall not discriminate against the pregnant child while she is in school on account of being pregnant or having given birth.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Clause 18 requires parents of pregnant children and of child parents to continue with their parental obligations of support to their child. Clause 19 provides for the school obligation to counsel the child, readmit the child once the child is born, continue supporting the child so that they continue with their education.

Clause 20 makes it an offence for the school administration to refuse to readmit a child once they have given birth. Upon conviction, the school principal and every member of the school administration may be fined to up to cash Kshs500,000 or jailed for six months, or both.

Clause 21 provides for establishment of childcare centers in or within the vicinity of an institution of basic education. These may be established by county government or by person licensed to provide childcare services.

Clause 22 provides that the childcare services provided are for the benefit of the children less than three years old, whose parents are children who are being readmitted to school, or as children whose parents have no one to take care of the child.

Madam Temporary Speaker, Clause 23 provides for the requirement of a childcare centre, including its accessibility, affordability, ability to give adequate supervision to the children and availability of qualified personnel to cater for the children.

Clauses 24 to 33 provide for licensing of childcare centres by counties. Counties are also required to enact legislation and to guide the licensing process within the county. It also prescribes how services should be rendered in the childcare centers and how the centers are to be managed.

Clause 35 provides for the services that are to be provided in the childcare centre, including the care and the supervision of children, counselling of child parents, outreach programmes and recreational activities.

Clause 37 provides for inspections and evaluation of safety in safety care and the obligation to keep the premises safe for children, to have contacts of emergency services providers such as hospitals, ambulance services and firefighting services.

Clause 42 provides for continued recognition of care centres, which are already in existence and are already licensed. It, however, gives the County Executive Committee Members power to give the care and notice requiring them to register afresh under the Act.

Implementing the measures proposed in the Bill will enhance protection of child parents and ensure that the country moves closer to 100 per cent access to basic education by children in Kenya.

Madam Temporary Speaker, with those remarks, I beg to move and request Sen. Orwoba to second the Bill.

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, before the Bill is seconded, I would direct that I reorganise the Order Paper to allow Sen. Mungatana, the Chair of the *Ad Hoc* Committee on Shakahola, to lay the Report.

(Interruption of debate on Bill)

PAPER LAIDREPORT OF THE *AD HOC* COMMITTEE ON
PROLIFERATION OF RELIGIOUS ORGANISATIONS

Sen. Mungatana, MGH: Madam Temporary Speaker, I beg to lay the following Report on the Table of the Senate, today, 19th October, 2023-

Report of the *Ad Hoc* Committee to investigate the proliferation of religious organisations and the circumstances, leading to the deaths of more than 95 people in Shakahola, Kilifi County.

(Sen. Mungatana laid the document on the Table)

The Temporary Speaker (Sen. Veronica Maina): Sen. Orwoba, please, proceed.

(Resumption of debate on Bill)

Sen. Orwoba: Madam Temporary Speaker, I stand to second the Bill by Sen. Miraj on the protection of child parents. Before I add my voice on this, perhaps for purposes of definition, a child parent is any parent who is under the age of 18 years. We know that in this country, we are dealing with many teenage pregnancies and injustices, particularly on our girls who are under the age of 18 years. These injustices sometimes lead to pregnancies and the situation that now we are talking about; child parents and teenage girls.

I am happy to second this Bill because for a long time, we have been talking about teenage pregnancies and how to end them. However, while we are dealing with the issues of how to end teenage pregnancies, we are not addressing the issues of what is happening to these children who are pregnant. First of all, it is public knowledge that in most of our institutions; both public and private schools, the moment a girl becomes pregnant, it becomes an issue of having to request them or send them out of school.

Madam Temporary Speaker, over the weekend last week, I came from a region in Kilifi County called Marafa, where the rate of teenage pregnancies is alarming. Many girls there become pregnant due to several issues, including sexual abuse.

The first thing that happens is being kicked out of their schools and sometimes out of their homes. So, together with the partners that I am working with, we were looking at how to ensure we have the safety of these girls in terms of their immediate safety, not just on education.

We talked about creating safe spaces for the abused girls who are now pregnant. It became very apparent that in that particular region of Kilifi County, I am sure as well as other many regions in Kenya, when a girl gets pregnant while in school, they are considered hopeless and there is no longer investment on them.

As I go through this Bill and look at what it seeks to address in terms of protection of the child, it is high time that we address the issues of the pregnant girls. I

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

am glad to see that Sen. Miraj has outlined a legal framework to ensure that for instance, some of the rights of the pregnant girl, including the basic right to education is protected.

Madam Temporary Speaker, it has also become apparent that when we are talking about ensuring that bursaries are allocated fairly, these pregnant girls are automatically taken out of the list of bursaries.

Part II is on Care of Expectant Children and Child Parents. Clause 4(f) says-

“guarantee funding and sustainability of the initiative and other child welfare programmes aimed at benefiting child parents.”

I believe this also speaks to the point of bursaries; that the pregnant girls in schools are not further discriminated by taking them out of the list of bursaries being allocated to the children.

We have had so many issues of children who are forced to take many medical tests the moment the institution, particularly the school finds out that they are pregnant. In some cases, they are forced not only to take tests that touch on the pregnancy, but also further subject them to forceful tests, including Human Immunodeficiency Virus (HIV) test.

Madam Temporary Speaker, we have heard the sponsor of the Bill explaining that these kinds of mandatory tests put on the girls not only isolate and make them feel that they are now this very dirty creature in an institution, but it also goes against their rights children. I am glad to see that this Bill also addresses that.

I wish to speak on the right to be readmitted to school. It is not a secret that once a girl becomes pregnant while in school, the first thing is that they are sent home. Some parents look for alternative education measures, maybe they going to other schools.

It is very difficult for them to get these children admitted back to school, even after they give birth. There is a notion that they are going to infect the other girls with bad behaviour. This Bill is there to address that as much as whatever situation has happened and the girl has found herself pregnant, she should not be deprived of her right to education.

Madam Temporary Speaker, the issue of prenatal and postnatal care for these child parents is very concerning. In fact, there was a Statement that was brought on the Floor of the House yesterday with regard to a girl that passed away in Dagoreti North Constituency that was touching on several issues, including prenatal and postnatal care. We see negligence in terms of making sure that these child parents do not even have that access to these facilities.

So, I am glad to see that this is one of the things that the Bill is set to cure. It is to ensure that where this pregnant girl is under the age of 18, they are able to have access to prenatal and postnatal care and the information they require.

We have guidelines and policies that speak on the readmission to schools and the care that our county and national Governments should give to child parents. We are lacking the proper law that will now be able to be exercised, so that we do not have certain injustices that are already happening to these girls.

Most of them are not pregnant by choice, but because of sexual abuse. Maybe some of them went out to look for ways and means, for instance, to get sanitary pads and ended up pregnant. It is just an issue of discrimination after discrimination and injustices after injustices. They then find themselves in a situation where they require us, legislators, to stand up and push for legislation that is going to protect them.

As I second this Bill, I highlight the fact that when we speak of child parents, most of the times, we are only talking of girls. However, sometimes the teenage pregnancies are as a result of what in your legal sense you call Romeo and Juliet, as a result of boyfriend and girlfriend, who are underage.

We do not talk of the boy-child in this instance. However, there are many situations where even the boy child is castigated and sent away from the community or institution. This is also a reminder and the reason we do not call it a teenage girl's Bill, but Child Parents because it exists in girls and boys as well.

Therefore, this Bill is not just there to protect the girl child, but also the boy child in the event that both happen to be under the age of 18. Their rights to education, health care, to proper information, to being able to continue with their lives as a child should be protected, but with the understanding that they are now parents.

Madam Temporary Speaker, I now highlight a Clause where we are proposing that the county governments look into the issue of the care of children within a care centre. Once the teenage girl or the child parent has delivered that child, we put expectations for them go back to school to pursue their dreams, just like they would have had they not become pregnant. What happens to the baby?

It is known that once you give birth, as a parent you are expected to breastfeed for six months or more and be a caregiver of another child. As we are saying, you have the right to readmission to an education institution, we also want to bring the national Government to look into the issue of the care centres.

Let me highlight PART V, Clause 32(a) of this Bill where it states that -
“In delivering child care services under this Act, a licensee shall ensure—
(a) that there is established a system for sharing with parents, information on matters that may affect the children cared for in the care centre.”

Sorry, let me just backup that a little bit. PART IV is on Establishment of Care Centres.

Clause 21 (1) says –
“A county government may establish and maintain such care centres as it may consider necessary for the care of children of not more than three years of age.”

A county government may for the purposes of Sub-section (1) establish care centres in or within the vicinity of an institution of basic education and training in order to ensure access to such facilities by a child parent.

Madam Temporary Speaker, these care centres that have been existing sometimes require parents to produce an Identification Card (ID), which a child parent is not able to produce. Therefore, it becomes difficult for a child parent to take their child to that particular care centre. For this Bill, some of those regulations in their care centres should

reflect the fact that we have child-parents who might not have IDs and that their children are denied access to that care centre.

Considering that we want these child parents to go back to school and pursue the dreams they have, the establishment of these care centres that are already in existence and others that will come up, should reflect the fact that they are accommodating the existence of child parents. That means they should not discriminate the facilities of the services against child parents.

Madam Temporary Speaker, in my short stay in Marafa, Kilifi County, where we went to look into the issue of teenage pregnancies and Human Immunodeficiency Virus (HIV) prevalence on young mothers, I noted that there was a lack of understanding from the institutions that are supposed to guide and ensure that our child parents are protected. For instance, on the issue of establishing whether the pregnant girl was sexually abused or it was a case of Romeo and Juliet, you will find that the girl child parent receives a lot of hostility that they just choose not to give information.

Even as I second this Bill, I urge Sen. Miraj to consider adding a statement or two in terms of the protection of the child-parents in relevance to how the child parents became parents. I mean to say that it would be proper, not only for purposes of documentation, but for purposes of ensuring that we are not further stigmatizing victims of sexual abuse, who happen to be child parents. It would be proper that we not only add the issue of establishment of care centres by county governments, but also the psycho-social support of the teenage girls who are pregnant because they have been abused or have gone through a hostile environment, such that the teenage girl has not been able to document how they found themselves in that situation.

Madam Temporary Speaker, we are dealing with readmission to school postnatal and prenatal access to information and county governments ensuring that those centres are there, maybe or not within this Bill, in order to also establish psychosocial support for these child parents, so that they are guided on how to be parents. Remember, these are children who are now having children, whatever the circumstances. This is something that is needed based on what I witnessed in Marafa, Kilifi County, even in my own Kisii County and in different places in Kenya.

We need to establish some sort of law that will make sure that we are not encouraging child parents or creating room to have more children who are having children because we are sort of incentivizing it. The idea of this Bill is not to promote teenage pregnancies, but is to understand that we have a lot of teenage pregnancies and many children who are not parents. So, what do we do about that as we are trying to mitigate to ensure that we bring an end to teenage pregnancies?

Madam Temporary Speaker, with those remarks, I thank Sen. Miraj for bringing a very important piece of legislation that is very much needed. I hope that as we discuss it in the House, my fellow Senators will see that this is something that we urgently need to pass into law and work with county governments to implement it.

I beg to second. Thank you, Madam Temporary Speaker.

(Question proposed)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, I invite the Senators who are interested to contribute to this Bill.

I call upon Sen. Nyamu.

Sen. Nyamu: Thank you, Mr. Speaker, Sir. I take this opportunity to congratulate Senator---

The Temporary Speaker (Sen. Veronica Maina): It is not Mr. Speaker, Sen. Nyamu.

Sen. Nyamu: It is your hair that is confusing, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Sen. Nyamu, you are out of order. It has nothing to do with hair, but identity. If you cannot identify the Speaker on the Chair, how will you debate?

Sen. Nyamu: My profuse apologies.

The Temporary Speaker (Sen. Veronica Maina): Withdraw, Sen. Nyamu.

Sen. Nyamu: I withdraw profusely.

I thank you, Madam Temporary Speaker, for this opportunity. I congratulate my Senator colleague, Sen. Miraj, for this crucial Bill. We can see the impact of affirmative action as provided in the law and mechanisms to have more women in leadership.

I dare say that such a Bill can only be brought to the Floor of the House by a lady because women, in their own nature, are sensitive to the things the other gender may not identify with. This Bill provides for a framework to ensure that a child and the rights of a child are protected as provided for in Article 53 of the Constitution.

Madam Temporary Speaker, I also highlight the other rights of the child like the right to education and the right to protect the child who has been born. There should be a standardized care centre where they get basic needs and quality care of the unborn child and eventually the born child.

I support this Bill by Sen. Miraj and urge other Members to support and expedite it when that time comes.

The Temporary Speaker (Sen. Veronica Maina): Sen. Mungatana, MGH.

Sen. Mungatana, MGH: Asante sana, Bi. Spika wa Muda, kwa kunipa nafasi niongee kuhusu Mswada huu ulioletwa na Sen. Miraj, Mteule wa Kaunti ya Mombasa. Mswada huu unaoongea kuhusu haki na kuchunga watoto wanaopata mimba au kutungwa mimba wakiwa bado wanaenda shule au wakiwa na miaka midogo. Watoto ambao wanapata mimba huzaa watoto wenzao. Hii sheria tunayotaka kuitunga kwa Seneti hii ni sheria kubwa na ya maana sana.

Kaunti ya Tana River tuna shida sana. Sisi tunaofanya kazi ya Sheria, pale kortini, tunakutana na dhuluma za watoto wadogo wanao pachikwa mimba katika hali ya kutatanisha, ilhali wao bado wanaenda shule.

Katika kaunti yangu, mtoto anayepachikwa mimba, kuna mazungumzo ambayo wazazi wanafanya ili kumaliza yale maneno kinyumbani. Sisi ambao tumeenda kortini mara nyingi tunaona dhuluma kwa watoto hawa waliodhulumiwa. Tena kuna tabia ya kujaribu kuyamaliza haya maneno kinyumbani.

Unapata msichana mdogo amepachikwa mimba. Ametoka shule na maisha yake yashaa haribika. Kisha, kuna mazungumzo ambayo yanafanywa ili watu wajaribu kujiokoa. Hii sheria imekuja kuelezea vizuri sana kwamba, ikiwa ni mtu mzima amejihusisha na kuhadaa watoto na kuwapachika mimba, mambo ya maslaha hakuna tena Kenya.

Tunataka hii sheria tuiptishe ili zile mila zinazo umiza wasichana wetu wadogo tuzimalize na tuziondoe kabisa katika Kenya hii. Iwe tuko tuko Tana River, Nairobi, Mombasa.

Kwa hivyo, mimi nasimama kuunga mkono haswa vipengele vinavyosema mtoto akipata mimba, wazazi wasimfiche. Tunataka hao wasichana wetu, hata kama wamepata mimba wakiwa wadogo, wasaidiwe kurudi shuleni.

Kesi tunazoziona mara nyingi huwa watoto hawa wanafichwa. Na tunaona sana wazazi ambao watoto wao wamepatwa na hii dhuluma, wanajaribu kuwaficha wale watoto ili wasionekane pale nyumbani heshima ya familia imeshuka.

Tunataka hii sheria ipitishwe kwa Bunge la Seneti, ili watoto hawa waendeleo na maisha yao hasa ya shule. Ukweli ni kwamba wengi waliopata mimba wakiwa bado ni watoto, tumewaona wakirudi shule. Wameendeleza hali zao za kimaisha na wameweza kuhitimu na wengine wakapata kazi kubwa na mabwana.

Sheria hii iliyoletwa, na Sen. Miraj, tukiipitisha hapa kwa Bunge letu, itakuwa ni heshima kubwa kwa mtoto wa kike. Lile jambo lingefaa tuangalie katika sheria hii, ni kuipiga msasa ili isigongane na sheria zingine ambazo tayari zipo katika haki za watoto.

Kuna sheria kubwa tunayoiita Children's Act. Mimi kama wakili, nimekwisha *interact* na hii sheria. Kati ya maneno ambayo sheria hii imetaja wakati nilisikia ikoongolewa na Sen. Miraj, kuna maneno ambayo nimeona yako tayari katika Sheria ya Watoto.

Hivyo basi, wakati sheria hii itapoanza kujadiliwa kwa kina, na kwenda kwa Kamati husika katika Bunge letu la Seneti, tungependa sana ipigwe msasa ili kusiingilie kazi ya kuregelea ama kitu kinachogonganisha na sheria iliyopo.

Sheria ya Watoto iko na mambo mengi yanayosaidia watoto na yamebadilisha shida ambazo watoto walikuwa wakipata na kuleta mazuri mengi. Kwa hivyo, ninamuomba, Sen. Miraj, wakati ambao anaendeleza hii sheria, pia aangalie mawazo ya Kamati husika, awasikize ili wapige msasa sheria hii inayoletwa sasa ili ikuwe nzuri.

Kwa jumla, hii ni sheria nzuri. Tunaomba sana Maseneta wenzetu waiangalie na waiunge mkono kwa roho moja. Hii ni kwa sababu watoto wetu wasichana ni lazima tuwatetee.

Sisi wengine tumezaa watoto wa kike. Leo wako nyumbani. Kesho hatujui itakuwa namna gani. Leo wako nyumbani. Wakienda shule, hatujui kunakuwa namna gani. Ndio tunawafundisha na kuwaambia lakini, majambazi wapo huko nje. Tunakata kuwekwe sheria kali zaidi ya kuchunga watoto wetu wa kike kwa sababu wao ndio maisha yetu ya mbele.

Kwa hayo mengi, naunga mkono Mswada huu. Nampa Sen. Miraj kongole kwa kazi aliyoifanya. Tunaomba hii Sheria tuipatie uungaji mkono wa hali ya juu.

Asante Bi. Spika wa Muda.

The Temporary Speaker (Sen. Veronica Maina): Sen. Mungatana, there was a notice you had requested to move based on the timeframe, on the Report that you have presented on the proliferation of religious organizations and circumstances leading to more than 95 deaths in Shakahola, Kilifi. Are you ready to move it?

I direct the Clerk to reorganize the Order and allow the Notice of Motion to be given.

(Interruption of debate on Bill)

NOTICE OF MOTION

ADOPTION OF REPORT ON THE PROLIFERATION OF RELIGIOUS ORGANIZATIONS

Sen. Mungatana, MGH: Thank you, Madam Temporary Speaker. I beg to give notice of the following Motion-

THAT, the Senate adopts the report of the *Ad hoc* Committee Investigating the Proliferation of Religious Organizations and Circumstances Leading to More than 95 Deaths in Shakahola, Kilifi County, laid on the Table of the Senate on Thursday, 19th October, 2023.

I thank you, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): We shall now resume debate on the Care and Protection of Child Parents Bill (Senate Bills No.29 of 2023)

Sen. (Dr.) Khalwale, you were the next before I interrupted the debate.

(Resumption of debate on Bill)

Sen. (Dr.) Khalwale: Thank you, Madam Temporary Speaker. This is a Bill that should have long been worked on by the previous Parliaments. This is not a problem that has just happened in this country, starting with the life of this 13th Parliament. So, in a way, this is a Bill that is an indictment of the previous Houses. I, therefore, take this opportunity to congratulate the young Sen. Miraj for coming up with this Bill.

Maybe because you are also still a very young mother. I know your beautiful child. I saw her in Naivasha. I, therefore, want to strongly support it.

We need to be a bit careful when we are dealing with this matter. When the headlines will take it up tomorrow, they will say ‘child pregnancies, underage pregnancies,’ and then they will lose focus.

There is a difference between early pregnancy and underage pregnancy. If you were to go to parent “X” who wants his daughter or son to marry when they are through with Bachelors or Masters education, Philosophy of Doctorate Studies (PhD) and gotten a job, any marriage before the age of 30, those parents will think is an early marriage.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*

Underage marriage should strictly speak to the constitutional and medical definition of age.

Madam Temporary Speaker, having recognised that, there is the other limb. The other limb is that, in the definition of age, 'children' mean different things to different communities.

I practiced medicine in Coast for six years, and I respect the coastal people. We have this shadowy people found within the extended family of the child and some found within the families of men. They prepare a child for marriage when those children are less than 16 years old. Many times, I would see expectant mothers aged 14, 15 and 16 coming for attention.

We will have to align this, so that when punishment is allowed, it is not tampered with the culture of that community. Do not slap me.

Sen. Orwoba: On a point of order, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Orwoba?

Sen. Orwoba: Madam Temporary Speaker, I stand on a point of order where Sen. (Dr.) Khalwale is misleading the House.

The Temporary Speaker (Sen. Veronica Maina): Can you indicate the Standing Order that you are relying on? Which Standing Order are you relying on?

Sen. Orwoba: Madam Temporary Speaker, I can go by Standing Order No.105 on the responsibility for statement of facts. We are discussing a Bill on care and protection of the child parents.

According to our Constitution, anyone below the age of 18 years is a child. Therefore, while we are having this debate, it would be proper that all Senators follow the Constitution in terms of definition of a child. A child is anyone who is below the age of 18.

Therefore, I think Sen. Khalwale is misleading the House by trying to indicate that the punishment should differ depending on what each community considers the age of a child. He should retract.

Sen. (Dr.) Khalwale: Well put, Madam Temporary Speaker. She could very easily have made that argument when she is making her contribution. When you are contributing, Senator, you will say all those things. I am speaking beyond your community, your understanding of life and beyond your professional qualifications. Therefore, you should drink from this cup. This is reality.

We have pastoralists who have no idea you---

The Temporary Speaker (Sen. Veronica Maina): Sen. Orwoba, can you allow Sen. (Dr.) Khalwale to finish the response.

Sen. (Dr.) Khalwale: Yes, you will have your time.

Madam Temporary Speaker, allow me to speak for the comfort of this House, so that no one thinks I am supporting this Motion in the realm of theory. The firstborn son of my Form One to Form Four classmate at Musingu Boys' High School, came and befriended my brother's child in Malinya. He was in Form Two. It was not incest as they

are not related and are from different sub-clans. This girl in Malinya was 17 years old and in Class 8. She conceived.

These things are very complex, and because you are a lawyer and you know where I am going. So, the teacher complained and the parents went and settled the issue at home, that they do not want a contest. The parents agreed. So that it does not look like this burden has been left to the family of the girl who had conceived, they brought the girl to the family of the boy. Meanwhile, the boy had been arrested. The case went on and the girl gave evidence that she was living with the parents of this boy. Do you know what happened? The boy was jailed for 15 years; he is serving. Meanwhile, the girl has crossed 18 years old. She is now struggling in the parents' home, not knowing what to do.

So, this Bill should be so imaginative. We specifically say that where the boy has taken some measure of degree of responsibility, how far can the punishment go? This is what is confusing me and making me to implore you to think long and hard over this Bill.

Madam Temporary Speaker, I believe in culture 100 per cent. I thank God that I do not come from a culture where we support child marriages. However, this is a House of equity. We represent the interests of the people who voted for us in Kakamega County; but always remember there are people beyond the boundaries of Kakamega, who would also appreciate if we added our voice to their concern. During public participation, it would be nice to see what the pastoralist will say. They are not going to force us.

Madam Temporary Speaker, on the issue of care, the people who end up suffering starts with the girl and her family. We should tweak this law so that we make sure that no man escapes from responsibility. The majority of the people who do these things are usually not little boys, but adults who take advantage of these children.

We also have cases of rape. In this law, we have to see how we define the two offences; he has raped and he has made the girl pregnant. Is it enough for us just to say the person raped, we thrown him into jail and leave the responsibility with the parents? Can we not say that, as he serves in prison because he raped this girl, we pursue him either by way of pursuing his assets to ensure that he also maintains this child while the child is pregnant?

The Temporary Speaker (Sen. Veronica Maina): Use your gadget properly, Sen. Miraj. Is it working? Hold on, Sen. (Dr.) Khalwale.

Sen. (Dr.) Khalwale: Yes, Madam Temporary Speaker.

The Temporary Speaker (Sen. Veronica Maina): Is your equipment working?

Sen. Miraj: Ndio, Bi Spika wa Muda. Ninaomba tu nimjulishe Sen. (Dr.) Khalwale ya kwamba watoto tunaowazungumzia sio wale---

The Temporary Speaker (Sen. Veronica Maina): Sen. Miraj, do you understand how the procedure of the House is? What form?

Sen. Miraj: I beg to inform, Sen. (Dr.) Khalwale.

The Temporary Speaker (Sen. Veronica Maina): Sen. (Dr.) Khalwale, do you wish to be informed by Sen. Miraj?

Resume your seat, Sen. Miraj.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I know she will give me the information when she is responding to this. So, she has ample time to reply. When you are replying, you will comment to all these things that we are saying.

The Temporary Speaker (Sen. Veronica Maina): Okay, proceed.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, we are trying to help so that the law becomes better. Some people employ underage girls and you find a criminal raping such girls. I think it is wrong when the law then allows such a criminal---

You will find the man has left a family sitting pretty, while he serves in prison. His children go to school and this child has nobody to support her. These people must be pursued, so that their wealth or whatever it is they have, can be used to help this girl to continue with her education.

Now, on the aspect of children being allowed to enjoy learning when they are pregnant, again, it is a very thin line. Do you allow expectant mothers to be in the same boarding school with girls who are not pregnant? It is a thin line. We must put in the legislation that a girl who is pregnant must be allowed to come back to school only after she has delivered. To expect a girl who is expectant to sit side by side ---

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Orwoba?

Sen. Orwoba: Madam Temporary Speaker, I rise on a point of order under Standing Order No.105, still on statements. Sen. (Dr.) Khalwale, is speaking outside of the existing Constitution. All children have the right to education. It is misleading to say that they should be allowed. It is not an issue of being allowed. Under our Constitution, anyone under the age of 18 years is a child and they have a right to education.

The Temporary Speaker (Sen. Veronica Maina): Sen. Orwoba, resume your seat. I gave a direction before in this House, as the Chair, that a Senator has the freedom and is open to debate whatever he wishes to debate whatever he or she wishes without interference with the flow of thought. Sen. Orwoba can you heed to what the Chair is giving direction on?

Sen. Orwoba, we gave that direction that a Senator has the freedom, liberty and discretion to keep their line of thought. If you understand the procedures of this House, eventually this Bill will be voted on by all the Senators. If a contribution from a Senator is not part of the Bill, unless it is introduced by way of an amendment, then it will never find its way to this Bill. There are many avenues of ensuring that any debate that does not meet the expected legal standard is put outside the making of that Bill.

With that, I will allow Sen. (Dr.) Khalwale to continue with his contribution towards this Bill.

Sen. (Dr.) Khalwale: Madam Temporary Speaker, I congratulate you and thank you for your balanced ruling. This reminds me of the words of the people of the English language who normally tell us that ignorance is bliss.

I was speaking to the thin line, and indeed, it is very thin. What do you do with this pregnant girl? The society, family and legislators all want her to complete her education. However, you are asking the principal of the school to take care of a pregnant mother in the school. Would it be fair to the principal of Mukumu Girls High School to

be given extra duties, that beyond providing education, she should also provide antenatal care?

My proposal is that in the unfortunate event that a child has conceived, let the child be relieved for the months she is expecting. Thereafter, she is free to come back to school.

QUORUM

The Temporary Speaker (Sen. Veronica Maina): What is your point of order, Sen. Kibwana?

Sen. Kibwana: Madam Temporary Speaker, I rise on a point of order under Standing Order No.41. There is no quorum.

Sen. (Dr.) Khalwale: No.51?

Sen. Kibwana: No, Standing Order No.41---

The Temporary Speaker (Sen. Veronica Maina): Let her use the Standing Order she intends to use.

Sen. Kibwana: Madam Temporary Speaker, I am using Standing Order No.41. We do not have quorum. Unfortunately, we need to defer.

(Loud consultations)

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators the House does not have quorum.

I ask the Serjeant-at-Arms to ring the Quorum Bell for five minutes.

(The Quorum Bell was rung)

(Several Senators walked out of the Chamber)

The Temporary Speaker (Sen. Veronica Maina): Why are the Senators present leaving the House? Serjeant-at-Arms, ring the quorum bell for another five minutes

(The Quorum Bell was rung)

ADJOURNMENT

The Temporary Speaker (Sen. Veronica Maina): Hon. Senators, having failed to attain quorum at the expiry of 10 minutes, the Senate stands adjourned pursuant to Standing Order No.41(2)(a), until, Tuesday, 31st October, 2023, at 2.30 p.m.

The Senate rose at 5.54 p.m.

Disclaimer: *The electronic version of the Senate Hansard Report is for information purposes only. A certified version of this Report can be obtained from the Director, Hansard and Audio Services, Senate.*