

# NATIONAL ASSEMBLY

## OFFICIAL REPORT

Wednesday, 21<sup>st</sup> November 2018

The House met at 2.30 p.m.

*[The Speaker (Hon. Justin Muturi) in the Chair]*

### PRAYERS

### PAPERS LAID

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, I beg to lay the following Papers on the Table of the House:

The Report of Parliament on all new loans contracted by the Government from 1<sup>st</sup> March 2018 to 30<sup>th</sup> June 2018 and loan guarantees issued by the National Treasury in the Financial year 2017/2018;

The Report of the Auditor-General and Financial Statements in respect to the following constituencies for the year ended 30<sup>th</sup> June 2017 and the certificate therein:

1. Gatundu South.
2. Kiambaa.
3. Kabondo Kasipul.
4. Laikipia East.
5. Limuru.
6. Mukurweini.
7. Mwea.
8. Ol kalou, and
9. Subukia.

Thank you, Hon. Speaker.

**Hon. Speaker:** Very well. Chairperson, Departmental Committee on Defence and Foreign Relations, Hon. Katoo.

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Speaker, I beg to lay the following Paper on the Table of the House:

Reports of the Departmental Committee on Defence and Foreign Relations;

The meeting with member states and secretaries of Economic Community of West African States (ECOWAS) and East African Community (EAC) to promote and popularise the ratification of the protocol on the free movement of persons and its implementation roadmark;

A Report on the Official Visit to the Chamber of Deputies of the Republic of Romania, from 1<sup>st</sup> to 5<sup>th</sup> October 2018.

Thank you, Hon. Speaker.

**Hon. Speaker:** Next Order.

## NOTICES OF MOTION

### REPORT ON RATIFICATION OF PROTOCOL ON FREE MOVEMENT OF PERSONS

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House notes the Report of the Departmental Committee on Defence and Foreign Relations on a meeting with the member states and secretaries of the Economic Community of West African States and East African Community to promote and popularise the ratification of the protocol on the free movement of persons and its implementation roadmark, laid on the Table of the House today, Wednesday, 21<sup>st</sup> November 2018.

### REPORT ON VISIT TO THE CHAMBER OF DEPUTIES OF THE REPUBLIC OF ROMANIA

**Hon. Katoo ole Metito** (Kajiado South, JP): Hon. Speaker, I beg to give notice of the following Motion:

THAT, this House notes the report of the Departmental Committee on Defence and Foreign Relations on the official visit to the Chamber of Deputies of the Republic of Romania from 1<sup>st</sup> to 5<sup>th</sup> October 2018 laid on the Table of the House today, Wednesday, 21<sup>st</sup> November 2018.

**Hon. Speaker:** Very well. Next Order.

## QUESTIONS

### *Question 195/2018*

#### STATUS OF THE LAST MILE POWER CONNECTIVITY

**Hon. Speaker:** The first Question is by the Member for Mwingi West.

**Hon. Charles Nguna** (Mwingi West, WDM – K): Thank you, Hon. Speaker for giving me the chance. I would like to ask Question No. 195/2018 to the Cabinet Secretary for Energy:

a) What is the status of electrification of all public primary schools in the country under the Last Mile Power Connectivity?

b) Why are some of the schools not connected to the electricity or the connectivity not operational?

c) Could the Cabinet Secretary consider connecting power to the following 18 primary schools in Mwingi West Constituency: Malatani, Wikivuvwa, Makuti, Mulata Utunda, Kamandiko, Wikithuki, Wimbondo, Nzaaiku, Musonoke, Misai, Nzilani, Kilulu, Thaana Nzau, Mutwaathi, Kavuni, Kathita, Nzalae and Itongolani as mandated by the Government policy under the Last Mile Connectivity?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Questions referred to the Departmental Committee on Energy should be prioritised. The next Question is by the Member for Kuresoi South, Hon. Joseph Kipkosgey Tonui.

*Question No.196/2018*

THE PLIGHT OF INTERNALLY DISPLACED PERSONS

**Hon. Joseph Kipkosgei** (Kuresoi South, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Interior and Coordination of National Government:

- a) Is the Cabinet Secretary aware of the existence of three internally displaced persons (IDP) camps, namely, Kipkongor, Kurbanyat and Itare in Kuresoi South Constituency with over 2,162 households living in deplorable conditions?
- b) What measures has the Ministry put in place to ensure that people living in these IDP camps are compensated and permanently settled?

Thank you, Hon. Speaker.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Administration and National Security to prioritise.

*Question No.198/2018*

OBSTRUCTION OF ACCESS AND EXIT ROADS BY CHINA WU YI CONSTRUCTION COMPANY

Next Question is by the Member for Kikuyu Constituency. The Question is skipped.  
Member for Mandera Constituency.

*Question No.199/2018*

REHABILITATION OF ROADS IN MANDERA WEST CONSTITUENCY

**Hon. Yussuf Adan** (Mandera West, EFP): Hon. Speaker, I beg to ask the Cabinet Secretary for Transport, Infrastructure, Housing and Urban Development:

- a) Is the Cabinet Secretary aware that roads in Gither Ward in Mandera West Constituency are in bad condition, impassable with huge potholes and rocks that even the national examinations were being delivered by helicopters for schools?
- b) What measures is the Ministry putting in place to ensure that roads in Gither Ward in Mandera West Constituency are constructed to all weather standards?

**Hon. Speaker:** The Question is referred to the Departmental Committee on Transport, Public Works and Housing for appearance of the Cabinet Secretary. The next Question is by the Member for Bura Constituency, Hon. Ali Wario.

*Question No. 201/2018*

OPERATIONS OF GYPSUM MINING COMPANIES IN BURA CONSTITUENCY

**Hon. Ali Wario** (Bura, JP): Hon. Speaker, I beg to ask the Cabinet Secretary for Petroleum and Mining:

a) How many gypsum mining companies are operating in Bura Constituency (Tana North Sub County) and how many among these companies have complied with the Environmental Impact Assessment (EIA) as required under the National Environmental Management and Coordination Act, (EMCA)?

b) What sufficient measures have the Ministry put in place to ensure that environmental degradation is mitigated and that companies engaged in environmental degradation are banned and prosecuted as stipulated by the relevant statutes?

c) What benefits is the community getting from gypsum mining companies operating in Bura Constituency

Thank you, Hon. Speaker.

**Hon. Speaker:** It is referred to the Departmental Committee on Environment and Natural Resources to act accordingly.

The next Question is for the Member for Borabu Constituency, Hon. Ben Momanyi who has requested that it be deferred so that he can ask it another time.

*Question No.202/2018*

LOWERING OF ENTRY REQUIREMENTS  
TO TEACHER TRAINING COLLEGES

*(Question deferred)*

**Hon. Speaker:** Second round: let us have the Member for Kikuyu.

*Question No.198/2018*

OBSTRUCTION OF ACCESS AND EXIT ROADS BY CHINA WU YI CONSTRUCTION COMPANY

**Hon. Kimani Ichung'wah** (Kikuyu, JP): Hon. Speaker, I beg to ask the Cabinet Secretary in charge of Transport Infrastructure Housing and Urban Development:

a) Is the Cabinet Secretary aware that the China Wu Yi Company has commenced construction work on the Waiyaki Way-Rironi Highway expansion project and largely inconveniencing the landowners and users along the corridor due to blocked access and exits to and from their properties?

b) When is the Government compensating the affected Kenyans and for those who had to close down their businesses for lack of access?

Thank you.

**Hon. Speaker:** The Question is referred to the Departmental Committee on Transport, Public Works and Housing.

Hon. Member for Sirisia.

**Hon. John Waluke** (Sirisia, JP): Thank you, Hon. Speaker. On behalf of the Chair of my Committee, I rise to raise a complaint about the Cabinet Secretary for Interior and Coordination of National Government who has not been appearing before the Committee and now we have

more than 60 pending Questions. He has never appeared before the Committee to answer Questions and that is why I have risen to raise the complaint.

Thank you, Hon. Speaker.

**Hon. Speaker:** Hon. Members, the House cannot act in vain. The Committee should sit and make a resolution. If the Cabinet Secretary has been informed and has failed to appear before the Committee, it should make a resolution to have the Cabinet Secretary summoned to appear in person failing then the House can deal with him. If the Cabinet Secretary is finding the Committee not sufficient for his appearance then the House will obviously have him dragged to this place. But it is not fair for a Cabinet Secretary to leave over 60 Questions unanswered. The Members asking the Questions are not just pedestrians. Members represent the interests of their constituents and other special interests. Therefore, we cannot entertain a situation in which 60 Questions remain unanswered by one Cabinet Secretary. He has other people to assist him. It does not matter however busy anybody is, the tradition has been however busy, even in the former dispensation, Ministers always had Questions answered either by themselves or by their assistants, in those days. Even in the current dispensation Cabinet Secretaries must take the work of the House seriously. If the Committee resolves to have the House help, the House will obviously step in.

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Wamalwa, what is your point of intervention?

**Hon. (Dr.) Chris Wamalwa** (Kiminini, FORD-K): Hon. Speaker, it is very unfortunate. You are aware of Article 125 that the Committee of Parliament can summon anybody anywhere. You should allow us to impeach one Cabinet Secretary as a lesson so that these Cabinet Secretaries take Parliament seriously. Dr. Matiang'i is not a super Minister. As we speak right now, we have a lot of issues going on in our constituencies and the constituents expect answers. Parliament cannot act in vain. The best thing the Departmental Committee on Administration and National Security can do is to bring an impeachment Motion so that it can serve as a lesson. He is not the only one. The way the Cabinet Secretaries undermine the House cannot be allowed anymore. It is this House that vets them. They have forgotten about that. It is this House that approves them. They are not elected. We are the ones who are elected by the people. We cannot allow the sovereignty of Parliament to be taken for granted.

Thank you, we should impeach immediately.

**Hon. Speaker:** Leader of the Majority Party.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, your direction is well guided. I will pass that communication to Dr. Matiang'i and the rest. I am sure the procedure of impeaching a Cabinet Secretary is well documented in the Constitution and the Standing Orders. The element of impeachment by Hon. Wamalwa is neither here nor there. Your communication is well guided. I will also communicate the same to the Cabinet Secretary, Dr. Matiang'i and other Cabinet Secretaries. This is the first time there is a complaint. That means Cabinet Secretaries follow the procedure of the House. We have a problem. We have the Senate who also call Cabinet Secretaries. So, Cabinet Secretaries are either in the Senate or in the National Assembly. The Speaker's guidance is well founded and the Committee is guided and I will also pass the message.

**Hon. Speaker:** Hon. Olago Aluoch.

*(Hon. Jimmy Angwenyi spoke off record)*

The Member for Kitutu Chache North, age must be harassing you. You cannot just start shouting “can I add?” What is that? It is not a procedure known to this House. The Member for Kisumu West is the one who has placed a request.

**Hon. Olago Aluoch** (Kisumu West, FORD-K): Thank you, Hon. Speaker. It pains me that a Member of this House standing in for his Chairman of the Committee can plead to the House that they do not know what to do. I am shocked. I am shocked because the rules are very clear. I expect if nobody else in that Committee knows what to do, the Chairman to know what to do. What Hon. Wamalwa has said is exactly what he should be doing.

Hon. Speaker, I sit with you in the House Rules and Procedure Committee. When we were working on the latest revised Standing Orders, we took into consideration the fact that certain times Cabinet Secretaries may be too busy and we said who, with authority can be sent to committees, if they are not able to come on their own. We said the position of Chief Administrative Secretary (CAS) is not recognised in law, but Principal Secretary is recognised. The revised Standing Orders say specifically that if the Cabinet Secretary is not able to come, then an officer not less than the rank of a Principal Secretary can attend on his behalf. Are we assuming that that Committee is not aware of these provisions? We must be serious. When Hon. Wamalwa says that Dr. Matiang’i is not a super Minister, he is always on television saying that Dr. Matiang’i is a super Minister as if we should worship him. I do not believe we should. I agree with Hon. Wamalwa for once that this House needs to impeach one Cabinet Secretary. Let us stamp our foot down and say this is the House that is supreme.

Thank you.

*(Applause)*

**Hon. Speaker:** Member for Sirisia standing in place of his Chairperson has claimed that the Cabinet Secretary for Interior and Coordination of National Government, who is responsible for matters of interior, has more than 60 Questions remaining unanswered. We have advised the Committee what to do. Since Hon. Waluke is the Vice-Chair of that Committee, please have a meeting, make a resolution and bring it to the House. Let the House see what it is that you are suffering from.

Let us now do business. That was seeking direction. It is not business.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Pukose, this is not business. You have the business of *thuluthi*.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Speaker, I was looking at the Constitution, Article 152(6), on the procedure for impeachment of a Cabinet Secretary. It would be in vain for us to think that just by not appearing before the Committee that might be the best way to resolve. As a House, we need to be above issues of witch-hunt. Let us look for the best way to sanction the Cabinet Secretary so that the order of the House can be carried without giving empty threats that these are the grounds for impeachment. We must look at the basic grounds that will meet the threshold for impeachment, not just giving empty rhetoric.

**Hon. Speaker:** Of course, one of the grounds is, if he is in breach of Constitution or any other law. That is why I have advised quite guardedly that the Committee needs to sit as a committee and make a resolution. Obviously, we can invoke the provisions of the Powers and Privileges Act and we proceed. If somebody is in breach of that one, then that would be grounds.

For the time being, let the Committee prioritise as many Questions as possible from that Cabinet Secretary.

Let us go to the next Order.

## BILL

### *Second reading*

#### THE CONSTITUTION OF KENYA (AMENDMENT) BILL

*(Hon. Aden Duale on 20.11.2018)*

*(Resumption of Debate interrupted on 20.11.2018)*

**Hon. Speaker:** Hon. Members, by close of business yesterday at 7.00 p.m., a total of 17 Members had contributed to this Motion. I am informed that the Motion has great interest.

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Do you have an issue, Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, because there is a lot of interest in this historic Bill, I stand under Standing Order 97, on limitation of debate and ask the House to agree with me that going forward, so that more Members can contribute, we allow each Member to speak for five minutes. I ask the Majority Whip to second.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): I second.

**Hon. Speaker:** Hon. Members, the Member for Endebess has seconded the proposal by the Leader of the Majority Party.

*(Question, that debating time be reduced, put and agreed to)*

Hon. Members, you will all appreciate that it is, indeed, true that there is a lot of interest, right now there are over 55 Members who want to contribute. It could be fair for Members contributing to make their points even if you do not agree with them. You will have your chance to also make your points. It may be easier if we have minimum interruptions.

**Hon. Kassait Kamket** (Tiaty, KANU): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is your point of order, Member for Tiaty?

**Hon. Kassait Kamket** (Tiaty, KANU): Thank you, Hon. Speaker. In as much as I will be supporting this Bill, I wanted to plead with you to consider making a ruling to review your earlier ruling in which you stated, and it has become part of the law of this House, that a constitutional amendment Bill cannot be amended on the Floor.

I have very good reasons for this. I understand that your ruling was quite recent, but there are issues that come along the way. In fact, you will find that most Members sometimes do not have time to look at the Bill during the 90-day period. Most of the times Members get to read the Bill properly when it is properly before the House in the Second Reading. I seek your indulgence to reconsider the ruling.

In the Judiciary, they have judicial review mechanisms to reconsider judgments made by judges and magistrates. In the legislative set up, we are faced with a situation where when the Speaker makes a ruling like that we have no recourse. I am just seeking indulgence because as it is now, I would like to propose an amendment to consider putting a sunset clause to this Bill. We cannot have this kind of arrangement forever.

This is supposed to be...

**Hon. Speaker:** The Bill has.

*(Loud consultations)*

**Hon. Kassait Kamket** (Tiaty, KANU): Okay. If it has, that is okay. Fundamentally, my point is this: Could you consider reviewing that ruling in order to give Members time to amend a constitutional amendment Bill on the Floor?

**Hon. Speaker:** Of course, you can see the Member for Kisumu Town West shaking his head. You ought to know that even in the area of review within the Judiciary, you must place before the court a new and important matter that was not available to the court at the time it made the original decision. In your case you are saying that even after publishing a Bill for 90 days, Members do not have time to read. The publication for 90 days, which is a requirement in the Constitution itself, was to allow as many Kenyans as possible to read. If Members of Parliament whose primary duty is to legislate claim that they have no time to read a Bill which has been in publication for 90 days, then we are also saying that perhaps it should be out there for one year for other Kenyans. If Members are saying that 90 days is such a short time, surely it speaks volumes about maybe the capacity of Members or their diligence in doing that key function of legislating.

Therefore, Hon. Kamket, you may need to place before me such new and compelling material that was not before me on 20<sup>th</sup> August 2015 when I made that ruling for me to even think of reconsidering it. For the time being, your point of order must remain what it is: Wishful thinking.

*(Laughter)*

We cannot begin to entertain that. More particularly the reason you gave was you were thinking of inserting a sunset clause which is clear indication or testimony that you have not read the Bill even when it has been in publication for more than six months. There is no need. You do not have the Floor. There is nothing to argue about. It is not fair. We are telling Kenyans that we do not read Bills. That is a terrible admission. It cannot be the grounds upon which I can even entertain the thought of reviewing.

*(Loud consultations)*

**Hon. Member:** He was discussing the Bill on television.

**Hon. Speaker:** He was discussing the Bill on television?

**Hon. Members:** Yes.

**Hon. Speaker:** Before you have read it? You are showing ignorance. You can see now, some of you who go to prosecute these matters on television, actually go to misinform Kenyans. Of course, I cannot interfere with your rights to appear before television screens or as panelists, experts, and you are experts about things that you have not even read.

*(Laughter)*



That is not fair. If Hon. Kamket wanted to introduce a sunset clause which is already in the Bill and he has not...I know Hon. Kamket since he has been an officer of this Parliament in the past.

*(Hon. Kassait Kamket stood in his place)*

Now, what are you doing? You are out of order. I thought you claimed among other things when I read your curriculum vitae that you had been a Speaker of some House.

*(Laughter)*

It is never done that way. Even there you should have impacted the correct procedures. We will go to the Member for Nandi. Because hers is a carry over, she is allowed to speak for the balance of your time.

Proceed! Hon. Tum Chebet.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Hon. Speaker, I stand to support the “Tuale” Bill...

*(Laughter)*

Duale Bill. I support this Bill on two-thirds gender...

**Hon. Aden Duale** (Garissa Township, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** Hon. Duale, what is your point of order? I thought we said we do not want to interrupt these gracious ladies.

**Hon. Aden Duale** (Garissa Township, JP): Hon. Speaker, there is no Duale Bill on the Order Paper. Two, I am not called “Tuale”. I am called Duale.

*(Laughter)*

Thank you, Hon. Speaker.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): I stand to support the two-thirds gender Bill. I talked yesterday about empowering women of Kenya. When we talk about empowerment, we are talking about enhancing the living standards of human beings, women and men of Kenya.

We know very well that women are at the lower part of...

**Hon. Speaker:** Hon. Dr. Chebet.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): Hon. Sankok is disturbing me. Yes, gender harassment is happening.

*(Laughter)*

**Hon. Speaker:** Please, Hon. Members, let us allow the gracious lady to be heard in silence.

**Hon. (Dr.) Tecla Tum** (Nandi CWR, JP): We need a more equal Kenya by enabling the women to hold leadership positions. Women of Kenya are 52 per cent of the population and we have to give them their equal share of positions in this nation.

Many times there is the issue of glass ceiling where women fall in the lower part of the pyramid. So, we need women to be given positions of power. We need to see quite a number of

them in this House. We are talking about an addition of only 24 women. The Government of Kenya will only spend Kshs282 million on them.

Hon. Speaker, the work of MPs is to fight and champion for the rights of Kenyans. We have come here to legislate for the 44 million Kenyans who are men, women and children. In East Africa, Kenya is leading in most of the things, but in terms of issues pertaining to women and leadership, Rwanda is number one followed by Ethiopia. Kenya is No.26 in Africa and No.100 in the world. Therefore, I call upon all the male legislators in this House to support us because we love them. The great commandment in the Bible is: love one another. We have said that because we love you as our sons, husbands and brothers, we call upon you to support this Bill. That way, we will have peace in our homes and in the country largely.

*(Loud consultations)*

**Hon. Speaker:** Now, Members, you will appreciate that you appear like you are in a political rally. Member for Murang'a, you are cheering like the villagers in a rally in Murang'a. Let us here the gentleman, the Member for Seme.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Thank you, Hon. Speaker. I rise to support the Constitution of Kenya (Amendment Bill) 2018. The first point I would like to raise is that this is not a women's Bill as it has been portrayed. This is a gender Bill where we are seeking, at the highest level of Government, to put a legal framework that will guide the relationship between the two genders in the management of the affairs of our nation. I think that is the issue. It just happens that we are calling it a women's Bill because in Kenya today the proportion of women in governance is lower. It is possible that in future the men's proportion will be lower. If we put in place a framework to guide that, then we would not need to be worried.

Looking at the issue of the girl-child and the boy-child and considering the current trend, it is quite possible that in the very near future, men may have to do with affirmative action. So, if we put this in place now, when we get to that point in future, we will not have to worry about it. Even if we were to look at it as a women's Bill, women are half the population of this country. I do not see an institution that will take half of its work force and state that they will not participate in the management of that institution!

It is, therefore, reasonable that we, all of us, come together. The old cultural relationship where we had roles for each gender has changed. We cannot be living in a world where we get information from, say, London on our mobile phones and then think we can relate with our womenfolk the way our grandfathers related with our grandmothers. It just cannot work! So, we really have to move into the future.

Hon. Speaker, it has been shown clearly that with affirmative action, women have really proved themselves. Many women in this House first came in as nominated Members, but have gone on to prove that they are extremely capable. Some have confessed that they were so afraid to contest because they thought they would not manage. However, with support, they managed. Some may say: why do we not let the women fight it out? The truth is that there are challenges that face women that are peculiar to their gender. Look at the cultural aspects. Even with regard to property ownership, despite the existence of the new Constitution, women are still disadvantaged.

I have come to learn – I did not know and I have just been taught by our learned colleagues – that even in issues of succession, when a woman inherits property from her husband it is just for the time of her life. When she dies, the property reverts to the estate. These are issues

that we have to look at and consider supporting women. Socially, we know the perceptions about women out there. The women here will tell you the perceptions about them during campaigns. They are normally called names. Even in this House we have referred to women in terms that I cannot use. Again, they have been exposed to violence. Even biologically, women take a lot of load from the society; talk of child-bearing and child-rearing. Women are not bearing children and rearing them for themselves, rather they are doing it for the society. That is the biggest asset of the society. Is it not justifiable that people who take such a load are actually appreciated by them getting affirmative action? To that extent, Hon. Speaker, I support this Bill.

Even if we left it at that, as a country and a nation, we have actually acceded to internal conventions, agreements and treaties that bind us to bring this effect. We have the UN Convention on Human Rights to which we are party. We have the Beijing Declaration to which we are also party to. We are also party to the Commission for the Status of Women; and, the Commission for Elimination of all forms of Discrimination against women. Our own Constitution, under Article...

**Hon. Speaker:** Hon. Members, just to caution you. We just resolved that each Member will have five minutes. I want to ask the Clerks-at-the-Table to observe time so that when a Member has spoken for four minutes, the yellow light should be put on. The yellow light should be put on when the Member has a balance of one full minute. The red light should come on when the Member speaking has a balance of 30 seconds. I just noticed that the Clerks-at-the-Table did not warn, Hon. Nyikal. I will, therefore, give you ten seconds.

**Hon. (Dr.) James Nyikal** (Seme, ODM): Hon. Speaker, I support.

**Hon. Speaker:** Member for Nyandarua!

You see when I have already given you an opportunity and you still press the button... You need to stay a little bit longer in the Chamber so that you know once I have given you the microphone and you continue to press the button, you will be denying yourself the opportunity.

**Hon. (Ms.) Faith Gitau** (Nyandarua CWR, JP): Thank you, Hon. Speaker for giving me this chance. I want to kindly ask our brothers to listen to us. Yesterday we listened to them. We were silent as women. Today we are asking them to give us their ears.

I rise to support the Bill. From the outset, I would like to thank the Mover of the Bill, Hon. Duale, for being consistent with issues pertaining to gender equality in this nation. He did not give up. The people who drafted the Constitution 2010 did not want a situation where one gender is overly represented in Parliament. They clearly indicated that both the National Assembly and Senate should not have more than two-thirds of the same gender. It, therefore, tells us that this Bill is not about women. It is about ensuring that we comply with the Constitution. We have complied with very many constitutional principles, including devolution which was very complicated and very expensive. We should, therefore, find it proper in our hearts to support this particular Bill.

Hon. Speaker, we are doing very badly as a country with regard to gender representation in Parliament. For example, in Rwanda 61 per cent of their Parliamentarians are women. In Tanzania and Burundi, they have 36 per cent women and Uganda 34 per cent women, while we are trailing in Kenya at 22 per cent. We are yet to establish affirmative action for gender representation in Parliament.

As the Bill stipulates the proposed nominated positions will not be for slay queens or slay kings, but will cover the marginalised groups in our society. We have Members who came to this House through nomination in the last Parliament. They went to compete with others and were elected. Now, they are doing very well in their political lives and in this House as well.

Therefore, the nomination slots are not for girlfriends or boyfriends but for people who support political parties to achieve their objectives and those who want to climb the political ladder.

Therefore, enactment of this Bill will be beneficial for the entire society. This will ensure that the critical mass of either gender is present in the decision-making table and their voices heard. As I conclude, it is important to note that our President has been a big champion of gender inclusivity and was among the first to sign the United Nations (UN) Secretary General's He for She Campaign. He has assured us of his commitment to implement the gender principle.

Hon. Speaker, I support.

**Hon. Speaker:** Hon. Members, let me just make this observation. I have just noticed from the screen because I am able to see the first 10 Members whose cards appear, some contributed yesterday. For instance, I have in mind nominee 001 and fortunately Hon. Ouda has also removed his which is good. Thank you. Nominee 001, you do not need to be here so that other Members can come up. Yes, you are very near at the top. Let us have Nominated Member Osotsi.

**Hon. Godfrey Osotsi** (Nominated, ANC): Thank you, Hon. Speaker for giving me an opportunity to contribute to this very important Bill. From the outset, I stand here to declare that I am supporting it. I am a precious product of a woman. Therefore, I have a responsibility to support the women of this country. This House has a constitutional responsibility under Article 94(4) that defines the role of Parliament. That it shall protect the Constitution and promote democratic governance of this country.

**Hon. Benjamin Washiali** (Mumias East, JP): On a point of order, Hon. Speaker.

**Hon. Speaker:** What is your point of intervention, Hon. Washiali?

**Hon. Benjamin Washiali** (Mumias East, JP): On a point of order, Hon. Speaker. We have just passed a procedural Bill that reduced the time which Members are supposed to talk because of the interest. With that in mind, will I be in order, to say that Hon. Osotsi who is currently on the Floor had an opportunity to speak on the same Bill yesterday. Is it fair for a Member to speak on the same Bill twice?

**Hon. Speaker:** Did you speak to this Bill yesterday?

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Speaker, it is not true that I spoke on the same Bill yesterday. I spoke on a different matter.

**Hon. Speaker:** It has been confirmed that he did not speak to it.

**Hon. Godfrey Osotsi** (Nominated, ANC): I understand the Majority Party Whip likes interrupting me.

**Hon. Speaker:** You have an extra thirty seconds.

**Hon. Godfrey Osotsi** (Nominated, ANC): Hon. Speaker, the Constitution is very clear under Article 94(4), Parliament shall protect the Constitution of Kenya. We are aware and we all took an oath to protect it. The Constitution under Article 10 talks about national values and inclusivity. Also under Article 81 and various other Articles, it provides for inclusivity and the issue of gender.

On that basis, I am encouraging Members to perform their constitutional role by passing this Bill today. I have heard numerous discussions around the issue of nomination. I want to say nomination is part and parcel of our laws in this country. We should not demean Members who are nominated because they have a role to play. We have had great Members in this House who have even risen to high positions in Government.

For example, His Excellency President Uhuru Kenyatta was a nominated Member of Parliament. We have Hon. Moses Wetangula who is the party leader of FORD-K and a senior

leader in this country. He was also nominated. We even have Members who have served for two and three terms, like Hon. Kamanda and Hon. Cecily Mbarire who are now nominated. I think, therefore, the issue of people demeaning nominated Members is unfair. We are all equal under the Constitution of this country. It is, therefore, necessary to have our women nominated to this House, so that we can achieve the two-thirds gender rule.

With those few remarks, I support this Bill. I also encourage my fellow Members both men and women to support this Bill because we want to ensure that Parliament performs its role as provided for under Article 94 of the Constitution of Kenya.

Thank you, Hon. Speaker.

**Hon. Speaker:** The Member for Kajiado South, Judah Metito.

**Hon. Katoo ole Metito** (Kajiado South, JP): Thank you, Hon. Speaker. I stand to support this Bill because it is very simple, it is just one page. The reason why Members and the country at large are not comfortable with the issue of nominations especially of the other gender is because of lack of transparency.

If this Bill goes through we need to do regulations for enactment. We may need to include the following: One, there is need for public participation to be undertaken for those proposed to be nominated by political parties. All of us in this House who are elected were subjected to public participation when campaigning because people talked about our good and bad. Therefore, it will also be good for those who get nominated to be subjected to public participation. It is good for political parties to publish the details of the proposed nominees including the county, constituency and ward where they come from and the category the nominee is supposed to represent. This is because in some parliaments we have seen people over 80 years old being nominated and it is said they are representing youth. Therefore, the political background and past work experience of that person must matter. Then memoranda are called for people, especially supporters of that political party, to give views before the final list goes out.

Let me also talk about the formula being used. I do not think this formula will bring a minimum of a third of one gender into this House. What we are hearing is if this Bill goes through, maybe the top up for the current Parliament will be about 21 or 22 women. For those who studied mathematics, if we now have 47 county women Members plus 23 who are elected, that adds up to 70. Add six who are nominated and that comes to 76 and then you want to add a top up of 21 or 22. That becomes 97 or 98. That will not be a third of this House because the House will be 349 plus the top up of 21 or 22. There is the exponential formula in mathematics that should be used and not just saying you need a third or two-thirds of the 290 Members. Put a top up and then the whole House will increase and you need a minimum of a third of the House as a whole.

Finally, if this Bill goes through, it is only for a term of 20 years and then a Member is only eligible for nomination for only two terms. When the 20 years lapse, we may have to do away with all nominated seats. Therefore, we just have the elected Members of Parliament. That may bring the cost of the wage bill down. I support the Bill but knowing the history of this House, just recently we were not able to get the numbers on a very pertinent matter that we all have interest. Because of that, I will say that the end game on this is actually to amend the Constitution and have this two-thirds gender rule be applicable only to Civil Service jobs and not elective seats. I beg to support.

**Hon. Speaker:** Hon. Members, let me just indicate this. I know right now you are 67 who are requesting. Therefore, there is no point of some of you raising your hands and fingers. Some of you are closing one eye and looking at me with only one eye. It is not helping. I will

only use the screen here. Because you have all made requests, do not bother even closing one eye and looking at me sympathetically and sometimes raising one hand. It is not going to help. Let us be fair. Let every Member who has requested to be given a chance. The only thing that we need to do is to make sure that there is somebody speaking from either side of the isle. So, please just relax. As long as you have placed your request, you will get a chance to say something. I go to the Member for Tongaren.

**Hon. (Dr.) Eseli Simiyu** (Tongaren, FORD-K): Thank you, Hon. Speaker for this chance to also make my contribution to this Constitution of Kenya (Amendment) Bill. Elections in this country are a complex event. They are so complex that unless we put in a law, we will definitely not have the number of women that we require. We must put in a law so that we are able to get the requisite number of women as dictated by the Constitution. Despite the constitutional dictate, it is important that we also add women to our leadership in this country. Several countries have been unable to do this, including the great America. Hon. Duale said he supports the Republicans, but when the Americans were faced with a choice of a brilliant white American lady versus an obnoxious and racist male, they chose the racist male and that is how Hillary Clinton lost.

Therefore, I consider this Bill a step in the right direction, but it is trying to solve a complex problem with a very lazy legislation. This problem is complex in the sense that if you heard Hon. Millie Odhiambo yesterday when she said how she has suffered in elective politics, including her house being burnt and her bodyguard being killed... So, the whole election process in this country is so bad that even if we have a sunset clause here that talks of after 20 years, the women will still not be able to handle the electoral process in this country. It is dangerous. It is even getting worse as the years go by. Trust me, I have been in three elections and in each election; things are getting more vicious and more expensive. I do not think this Bill alone will cure that. I think we need to look at this thing broadly. Let us look at our electoral laws. Is the first past the post the best way to go? If we still maintain the first past the post way, then we still are going to have difficulties meeting the gender rule because a first past the post electoral system does not favour women.

Perhaps, we need to bite the bullet and look at our electoral system. Perhaps, it is time we thought of proportional representation. In that case, we will have the 290 members here and there will be gender balance. The disabled and the youth will be included among those 290 members without necessarily bloating this House out of proportion. While this is a good step in trying to cure the problem of having very few women represented in this House, I think it is a lazy way of going about it. Let us bite the bullet. Let us go the whole hog and make a proper legislation that will ensure that the women are also represented here. Otherwise, this is too lazy and it will not work. Thank you, Hon. Speaker.

**Hon. Speaker:** Member for Kandara.

**Hon. (Ms.) Alice Wahome** (Kandara, JP): Thank you, Hon. Speaker. I rise to support the Constitution of Kenya (Amendment) Bill (National Assembly Bill No. 4 of 2018). I will start with the position that pertains in the Constitution of Kenya. The speakers that have spoken here before me have referred to the Constitution and said Kenyans did enact, in the constitution, the two-thirds gender principle. In fact, they gave the Republic and the Government the responsibility to ensure that the principle is attained.

With your permission, I refer to Article 27(6) of the Constitution which says that equality and freedom from discrimination require that we give full effect to the realisation of rights guaranteed under this Article. It states that the State shall take legislative and other measures,

both affirmative and policy action programmes to ensure that women or the other gender that is marginalised is able to participate. That is also followed by Article 21 of the Constitution. Article 21 talks about implementation of rights and fundamental freedoms that as Kenyans, we gave ourselves certain freedoms and rights and put them in the Constitution and this particular principle is within the Bill of Rights. As a House, we are requested to assist the country in coming up with the framework that will have this particular legislation put into effect. Our role is actually very simple. We have the responsibility. Kenyans hold us accountable as their representatives and we also have responsibility to guide and show the Kenyans the way to respect both men and women so that they can participate in development.

This matter has been long overdue. Hon. Members, let us not see this matter as a woman's issue. Members have even said that we may reach a point where we may need to affirm the boy-child and affirm the men because marginalisation can also catch up with them. The provision that will ensure that, that does not happen is in Article 27. There are 76 female legislators in this House. The 76 female legislators against 349 honourable Members is a small number. We have done well so far. We have received support. The Constitution was made by Kenyan men and women. Because this House now has the special opportunity to legislate, it can fulfill what the 11<sup>th</sup> Parliament was unable to do.

The Supreme Court of Kenya has occasionally shocked the nation. In the matter of the principle of gender representation in the National Assembly and the Senate, in 2012, the Supreme Court gave the august House up to 27<sup>th</sup> August 2016 to come up with the necessary legislation. It did not happen. The High Court in the determination of the case of the *Centre for Rights and Awareness vs. the Speaker of the National Assembly*, the House was ordered to ensure that legislation was done.

**Hon. Speaker:** Unfortunately, I was never served with that order. As you know, you just have to go to Article 122 of the Constitution which shows that I do not have a vote.

Let us have the Member for Mathare.

**Hon. Anthony Oluoch** (Mathare, ODM): Thank you very much, Hon. Speaker. I begin by quoting the former President of the United States of America (USA), President Barack Obama, at his first election when he said that every so often a generation reaches that point in history where history wants to turn. The question before us today is: When history is written on this issue, on which side of history will the 12<sup>th</sup> Parliament be? It is for this reason that I unreservedly record my unconditional support for this Bill for gender equality and the principle of the two-thirds gender rule.

Secondly, allow me to disabuse the notion that the two-thirds gender rule is about women. I have gone through this Constitution and listened to the debate. The assumption or impression being made that this is about women is erroneous. This is a constitutional question. It is a constitutional imperative. It is a directive of the Constitution which we gave to ourselves in 2010. The two-thirds gender rule is about our future. It is about our children. It is about what we want to bequeath to our future generations.

With this awareness, looking at Article 27 of the Constitution which supports the proposition I have made, it begins by saying in sub-article (2) that every person is equal before the law.

In sub-article (3), it talks of women and men referring to both genders meaning that the issue of the two-thirds gender rule may one day turn around so that it is not only about women but men may need to top up to be at par with women. Article 27(8) states that Parliament shall take legislative measures in addition to other measures. The two-thirds gender rule is not the only

affirmative measure in this Constitution. Affirmative action has been entrenched in other provisions of the Constitution in relation to youth, persons with disabilities and those who come from underprivileged backgrounds.

With this awareness, and taking into account that at various stages this Parliament has failed to undertake or meet that constitutional directive, this moment in history is very crucial, not only because the Constitution says so, but because of the various court decisions that have come very close to dissolving this Parliament.

Having said that, even with the unqualified support that I give this Bill, allow me to pose a question to the Mover of the Bill. You gave a ruling to which I have nothing to add that when a constitutional Bill is placed before Parliament, it is not capable of being amended. Allow me to pose this question to the drafters of this Bill to grapple with. At the sunset date, whether it is 20 years later and even after exercising Parliament's power to extend it in 10 years, the provisions of this amendment will have lapsed by operation of law. What will happen to the parent provision of the Constitution, which is Article 81, which will bring us back to the issue of the two-thirds gender rule?

I support this Bill and urge my colleagues to stand on the right side of history. Let us support and pass this two-thirds gender Bill.

*[The Speaker (Hon. Justin Muturi) left the Chair]*

*[The Deputy Speaker (Hon. Moses Cheboi) took the Chair]*

**Hon. Deputy Speaker:** Before I give an opportunity to the next Member to speak, I want to know the intentions of Hon. Nakara Lodepe, Hon. Waweru Kiarie, Hon. Chepkut Chirchir, Hon. Abdullahi Sheikh and Hon. Atandi Onunga. They have all pressed the intervention button. Do any of them want to rise on an intervention? What is it, Hon. Sheikh? What is out of order?

**Hon. Mohamed Mohamud** (Wajir South, JP): Hon. Deputy Speaker, I rise on Standing Order No.78 which says that every Member desiring to speak shall address a request to the Speaker. I want to know how this is done. What is the criterion used? Can this portal be made public and official so that we know who has logged in first and who has logged in last? Is it a matter of who is known and who is so-and-so? Sometimes we hear people passing by and saying that so-and-so will speak but so-and-so will not speak because they oppose yet the person is not the substantive Speaker. Give us the criterion on how you choose Members to speak on the Floor of the House.

**Hon. Deputy Speaker:** It is a fairly easy one for me. We follow the requests that you have made. Hon. Members, there are 54 of you who are desirous of speaking. There are three Members now remaining who have pressed intervention buttons, including you. You were given an opportunity without sending somebody here. The position is that we will proceed in that manner.

Sometimes when you are seated in the Chamber, you might think it is a little unfair. Looking at the 57 Members on my list, you are not in the top 10. That is something I can confirm to you. The person who is top on the list is Hon. Kihara Wanjiru of Naivasha. She gets the position. For the rest of the Members, we will follow the list as it is. Are you not interested in speaking? Let us proceed.

**Hon. (Ms.) Jayne Kihara** (Naivasha, JP): I am very much.



**Hon. Deputy Speaker:** Next on the line so that I can give you an opportunity to interrogate is Shamalla Jennifer. I will give you your 30 seconds, Hon. Kihara. The only problem is that sometimes I also have to balance between the Members on the left and those on the right. It is something that is ordinarily done. For things to be easy, I will simply follow the list as it is.

**Hon. (Ms.) Jayne Kihara** (Naivasha, JP): Thank you, Hon. Deputy Speaker, for this chance to support the Bill. I was elected directly in a constituency. I support this Bill for the simple reason that Kenyans passed this Constitution in 2010. We all came here. We took the Bible or the Quran and we swore to guide and protect the Constitution. We need to support it so that it is amended and we can be here legally. This is a long journey that we started in the women's movement.

If these Members will allow us, it is just near fruition. We all know how we came here. We all know how vigorous elections are. We know that ladies who have been nominated have learnt the ropes and gone back and got their seats. I beg Hon. Members of the male gender to support this Bill and give their sisters a springboard so that next time we meet in elections. We have seen it. It can happen. It has happened before. Like it has been said, this is not a woman's Bill. If you look at the newspapers, you will see that in the just concluded Kenya Certificate of Primary Education (KCPE) examination, very many girls have excelled. That means the tide could turn such that men would be looking for gender balance. We used to see in newspapers all-boys lists of excellence. You could not spot girls. Girls are now on the lists of excellence. They are mixed. Give these girls and women a chance. Pull them up so that they learn how to go for elections like we have done. It has happened and it will happen.

Hon. Deputy Speaker, this is doable. It has happened and it can happen. I wish to plead with Kenyans; that when women offer themselves for elections, please consider them because they have seen those who have been here have done their job. We can do it well and many more can do it. Even at the family level, my dear brothers who are here know that we run their homes. We are good managers. We can manage the economy, the country and all spheres of life. We have helped you raise families economically.

Hon. Deputy Speaker, I beg to support and beg my brothers to support this Bill so that we remove hurdles for women. It has been here three or four times. Let us deal with it. We have got where we are but we are not there yet. Let us support this Bill.

God bless you.

**Hon. Deputy Speaker:** Next is Hon. Jennifer Shamalla. I know Members will be complaining shortly that we are not looking at a certain gender and region. I see many Members coming here. When the Members want to see the numbers that they are in, they should go to the Clerks-at-the-Table, so that we do not influence any person. Do not come here. None of you should come here now. Go to the Clerks-at-the-Table.

Proceed, Hon. Shamalla Jennifer.

**Hon. (Ms.) Shamalla Jennifer** (Nominated, JP): Thank you, Hon. Deputy Speaker for this opportunity. I rise to support the Constitution of Kenya (Amendment) Bill.

I wish to take this House back to 2013 when the phrase "*Mpigs*" was first coined. Indeed, pigs were brought outside this House. They were slaughtered. It was a prelude to the dehumanisation of Members of Parliament. They are now referred to as *Mpigs*. It is not important and nobody bothers, but the Principal Secretaries, Cabinet Secretaries and judges earn much more than Members of Parliament.

However, it is Members of Parliament that have been stuck with the tag of *Mpigs*. It is also important to know that the person who coined this phrase, Mr. Boniface Mwangi, vied to join this House.

We entered into a contract as the people of Kenya in 2010. A Constitution is a body of principles which we agreed to be governed by. We agreed to the two-thirds gender principle and fair representation of persons with disabilities. If we no longer agree to this, then let us go to a referendum and say that we are not willing to realise this particular provision of the Constitution. I say this with concern because the debate has now taken a turn. It was only yesterday that an Hon. Member in this House referred to nominated Members, mainly female Members, as slay queens. It is not only during war time that dehumanisation techniques are used, but also when debates are heightened, like now and in elections; it increases violence and stereotypes. Yesterday's comments and statement referring to nominated women Members as slay queens was unfortunate. I request the nominated Member 001 to tell us who the nominated slay queens are. If he is unable to do so, then he should forever hold his tongue because we are not going to take it lightly that at one point Members have been referred to as *Mpigs*. We are now categorising them into male and female, and the female are being referred to as slay queens. It is not a joke. It is something very serious and unfortunate. I hope he will have the courage to stand by the statement and tell us who the nominated slay queens are.

With those few remarks, I support and pray that our male colleagues support the Bill.

**Hon. Deputy Speaker:** Hon. Pukose.

**Hon. Members:** Balance the sides.

**Hon. Deputy Speaker:** Hon. Members, you are the same Members who said that you want us to follow the list. If you want us to balance and allow us the opportunity to work, that is the way we are going to do. If you really want us to follow the list, we will follow it. If you want us to balance, then you must also forever keep your peace. Let us proceed. We will now start balancing.

Proceed, Hon. Pukose. At least, you know the effect now.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Thank you, Hon. Deputy Speaker. The Constitution of Kenya (Amendment) Bill is before this House. I have listened very carefully on the comments made by Members referring to certain areas. For instance, when you refer to the number of elected women in Ethiopia or Rwanda, we should look at the history in Rwanda. Many of the men were killed during the war. There is a dictatorial kind of Government in Ethiopia. In democracies like the USA, up to today you do not force the number of women elected and not elected.

The best way would have been for us to create equal opportunities just as what has happened in our schools where boys and girls sit in the same class and compete. There is no one who is given a *mwakenya* so that the girl can pass. This issue of creating positions for nomination is a backward way of doing things. We must create positions. Let us even have two positions for women in the county to compete. Let us combine some two counties so that the women can compete. You cannot say that you are empowering women. Most of the women have more money than us. Whom are you empowering? Most women in this country are also equally learned. What are you doing?

**Hon. Deputy Speaker:** What is your point of order, Hon. Nyamai?

**Hon. (Ms.) Rachael Nyamai** (Kitui South, JP): Hon. Deputy Speaker, thank you very much for giving me this opportunity. With all our due respect to Hon. Pukose, who was my Vice Chair, I know he is a surgeon and he really understands matters. We know very well that we are

amending the Constitution in order to go by what it says. It is the law. Is it in order for him to mislead the House by saying that it is a matter of backwardness? Hon. Pukose is misleading the House.

**Hon. Deputy Speaker:** It is for Hon. Pukose to respond to that. Obviously, it is unparliamentary to bring in the issue of deception.

**Hon. (Dr.) Robert Pukose** (Endebess, JP): Hon. Deputy Speaker, I have received many calls from Kenyans sending me messages saying that the wage bill in this country is a very serious matter. The Kenyans are asking whether we want to increase the wage bill or not. We must be sensitive to what Kenyans are asking outside there. This Bill will increase the Members of Parliament. Therefore, it is directly an affront to the Kenyan taxpayer in terms of how much they have to spend. It is high time we became sensitive to the number of Kenyans that are going to be represented here and what they are asking.

With those few remarks, I oppose the Bill.

**Hon. Deputy Speaker:** Before I give a chance to the next Member, let me first introduce in the Speaker's Gallery the presence of Hon. Rachel Shebesh, Chief Administrative Secretary, Ministry of Public Service, Youth and Gender. For those who are not familiar with her, she was a Member of this Parliament for some time and, in fact, a Member of the Chairpersons' Panel. She should feel welcome and I am sure she is as comfortable as she can be in the Assembly. We also have in the Public Gallery students from Riara University, Langata Constituency, Nairobi County.

I want to confirm the side Hon. Ogutu Abel is before I give the Floor. Since he is on this other side, I will skip him for now and give a chance to the topmost Member on the request list on the other side, who is fourth in the row, Hon. King'ola Makau. This is balancing. Professor, please, take your seat.

**Hon. Patrick Makau** (Mavoko, WDM-K): Thank you, Hon. Deputy Speaker. From the outset, I want to warn the House that we are speaking a lot of English here yet we are supposed to make things simple. The two-thirds gender rule according to Article 81(b) of the Constitution is of either gender. I want to warn men in the House that if women of this country realise the potential they have and start loving each other, the goalposts will be shifted like yesterday. I want to remind this House that a few years ago, primary schools were full of male teachers. Now if you go to all schools in Nairobi, Mlolongo and Athi River, the majority of teachers are female. For example, Mlolongo Primary School has 56 teachers and out of the 56, there are only two male teachers. This is very simple. Today, men are the majority in the House. How about if tomorrow women started voting for themselves and because men are getting disinterested in many things, we do not vote and women begin voting for themselves? This rule will apply to us. That is why I stand to support the Bill.

I do not know why we are belabouring much on this Bill. I agree with Members who say that we should look at the nominees and vet them so that they can add value to legislation in the House. They should add value to the elected men and women in the House to advance the agenda they have been nominated or elected to represent.

I do not want to waste a lot of time. I urge the male legislators in the House to support the Bill and let the two-thirds gender rule pass without much ado.

With those few remarks, I support.

**Hon. Deputy Speaker:** I will now come back to Hon. Ogutu and then I will pick two Members from the left side.

**Hon. (Prof) Zadoc Ogutu** (Bomachoge Borabu, Independent): Thank you, Hon. Deputy Speaker. As much as we discuss the Constitution of Kenya (Amendment) Bill, I also want to say that I have noticed that Members are uncomfortable with the way they are allowed to contribute. I came here as the second person when the House was opened. I wanted to try the system today and so it goes off.

The Bill we are talking about...

**Hon. Deputy Speaker:** You waste a lot of your time complaining about something that is...

**Hon. (Prof) Zadoc Ogutu** (Bomachoge Borabu, Independent): The Bill we are debating is not a new creation. It is about implementing part of the Constitution that Kenyans passed. We are battling over a situation that must be addressed in this country. It is a situation where men and women are given an opportunity to serve this nation. Kenya has made great strides towards achieving the gender rule. We see more women in the House than they were in the previous Parliament. We see more women in various institutions as heads and in top leadership positions unlike in previous years, but it is not enough.

This Bill is not about women. It is about every Kenyan having equal opportunities be they political, economic and social in order to serve this nation. The challenge the Members have raised and the mechanism of vetting the persons to be nominated should be discussed by this House. That is why we are given the opportunity to do so when the right time comes.

I support the Bill.

**Hon. Deputy Speaker:** Hon. Mboko Mishi.

**Hon. (Ms.) Mishi Mboko** (Likoni, ODM): Asante sana, Mhe. Naibu Spika. Nashukuru kwa kupata nafasi hii ili nizungumze kwa lugha ya kitaifa inayojulikana na Wakenya wengi hususan akina mama.

Namshukuru Mhe. Duale pamoja na vinara wa Taifa la Kenya, Rais Uhuru Muigai Kenyatta, Mhe. Raila, Mhe. Ruto, Mhe. Mudavadi, Mhe. Kalonzo na wale wengine kwa sababu leo ni siku ambayo sisi kama Wabunge wa Taifa la Kenya, tutaandika historia na iingie katika kumbukumbu ya kwamba tumeheshimu Katiba yetu kwa kutekeleza matakwa yake.

Ukisoma Katiba, kuna vipengele kadhaa na ibara tofauti tofauti ambazo ni wajibu wetu kama Wabunge tuzitekeleze sheria zake. Vifungu 27(3), 27(6), 27(8) vyote vinazungumzia masuala ya usawa wa jinsia na uadilifu wa kijinsia. Zinazungumzia vipi tutaweza kuwajenga uwezo akina mama, vijana, na walemavu ili waweze kuwa na uwezo wa kufanya utetezi wao katika ulingo ulio sawa katika mambo ya kisiasa, kiuchumi, desturi zetu na mambo ya jamii.

Suala hili kama tungekuwa tumeliweka katika Katiba kama tulivyoweka sheria inayohusu kaunti ama mabaraza katika kaunti zetu katika Kifungu 177, tunganeme kuwa iwapo tumepiga kura na tumekuwa na asilimia zaidi ya thuluthi mbili ya jinsia moja, tutafanya uteuzi wa viongozi wengine. Tunaamini Kenya ni nchi ya demokrasia. Kuonyesha kwamba tuko na demokrasia, ni lazima katika uongozi na nyanja za kufanya maamuzi, tuwe na jinsia zote mbili. Tuwe na akina mama na akina baba.

Ninataka niwambie Wabunge wenzangu kwamba wakati wa uteuzi utakapofika, hatutafanya uteuzi tu bila kufuata sheria. Katiba yetu katika Kifungu cha 100 kinazungumzia kuwa ni lazima Bunge liangalie uwakilishi wa akina mama, vijana, walemavu, makabila madogo na wale waliotengwa. Kwa hivyo, wakati tunaposoma sheria, ni lazima tuisome kwa ujumla, tuisome tu vipande vidogo vidogo. Kwa hivyo, ninataka kusema kwamba sisi kama Taifa la Kenya, tuna mikataba mingi ya kimataifa kama ile tulioandika kule Beijing, kama vile Maputo Protocol na pia ule muungano wa mataifa ya Afrika. Tuliweka mikataba kwamba tutahakikisha

tumekuwa na usawa wa jinsia na pia tutahakikisha kwamba akina mama wameweza kujengwa uwezo ili wapate afueni waweze kushindana sawia katika ulingo wa kisiasa, kiuchumi na hata kijamii.

Sisi kama Wakenya katika Afrika Mashariki ni kama wale kaka wakubwa. Kwa lugha ya kiingereza “*the big brothers*”. Ikiwa sisi ndio wakubwa, ni lazima tuonyeshe mifano bora katika uongozi na katika kuhakikisha kwamba tumeweka usawa wa kijinsia. Tukiangalia jirani yetu, Rwanda, wametupita kwa asilimia 56, Uganda asilimia 35 na Tanzania asilimia 36. Hata hapa jirani Ethiopia, juzi tu wamepata Rais mwanamke na pia jaji mkuu ni mwanamke. Haya yote ni mambo ambayo yanatuletea uwezo wa kuweka demokrasia yetu kwa usawa na kuweza kuona kwamba shabaha tunazozitweka na ruwaza ambazo tumeweka kama vile ruwaza ya 2030, akina mama wana majukumu mazito ambayo ili kuyatekeleza, ni lazima wapewe uwezo na wawe katika nafasi za kufanya maamuzi.

**Hon. Deputy Speaker:** Hon. Ongili.

**Hon. Babu Owino** (Embakasi East, ODM): Thank you, Hon. Deputy Speaker for giving his *tibimness* this opportunity to add value to the two-thirds gender Bill.

As Babu Owino, I stand with all my body parts and all my organs to support the honourable Bill.

(Laughter)

This Bill is enshrined in Article 27(8) and Article 81(b) of the Constitution. Whoever goes against the supreme law of the land is not only repugnant, but inconsistent with the natural laws and justice. Women are the *crème de la crème* of the society. These are very lovely and beautiful people. Women have a way of solving challenges maternally. When a woman is solving a challenge, the intention is for the benefit of her family and for the benefit of the society. Unlike we men, when we are solving challenges, we solve them paternally, which most of the time is for the benefit of ourselves.

In Europe, at the beginning of the last century, if women were at the apex of leadership, there would have been no world wars because the solution would have been got through dialogue.

Lastly, I would love to support women on this two-thirds gender rule because they have a special gift from the Holy Spirit that men cannot give me. I would like to tell Hon. Pukose to visit a maternity ward and see what women go through when they are bringing us here on earth. That Member must respect where he came from. *Tibim!*

**Hon. Deputy Speaker:** *Tibim* is completely unparliamentary. The rest of what you said was completely parliamentary. We will have Hon. Jaldesa Dida.

**Hon. (Ms.) Rehema Jaldesa** (Isiolo CWR, JP): Thank you, Hon. Deputy Speaker, for finally giving me this opportunity. From the outset, I take this opportunity from the bottom of my heart, on behalf of the women of this country, to thank my brother, Hon. Aden Bare Duale, for breaking the patriarch thinking, being a man, from a pastoralist community and a senior Member, and with all the passion, to support the women of this country. Therefore, I thank him so much.

Secondly, much has been said. Mine is just to thank the great men in this House - the great fathers, husbands and brothers. Since yesterday, apart from some few elements, all the senior men in this House stood up and spoke for the women of this country. Therefore, mine is

just to say thank you so much. May God bless you and continue to give you the heart to stand with your better halves and your sisters.

As has been said, this is a constitutional Bill. If we do not pass this Bill, the House risks being dissolved. I know we are not prepared to go back to election. Because of that, I am sure we will all turn up in large numbers to support this. The journey of women in leadership has not been easy, but it has been progressive. I thank the people of the Republic of Kenya. Back in 2013, we did not have a woman elected as senator and governor, but today, we have three governors, three senators and 23 Members of Parliament. Therefore, that is progressive enough. In some communities like the one I come from, women never used to address men face-to-face. They used to address men through proxies. An example is the county of Isiolo, which I represent, where a woman was elected Senator. Probably, come 2022, we may not even require the gender top up. As has been said, probably it will be our male colleagues who will require the gender top up.

Let us not make this a women issue. This is an issue for all of us. Kenya has complied with most of the constitutional requirements, one being a complex one, namely, devolution. Therefore, I do not see the reason why we cannot comply with a simple constitutional requirement. After consulting the experts, it has proved that it is not very expensive. Having interrogated the expert, it is just a mere Kshs6.2 extra to every Kenyan. Therefore, I do not think it is too much to ask. This Bill will not permanently give women these positions. It is only for two terms.

As I finish, because my time is up, I want to leave this House with a quote from a powerful man, the former President of the USA, who said that we must carry forward the work of women who have come before us and ensure that our daughters have no limits on their dreams, no obstacle on their achievements and no remaining ceiling to shutter.

Thank you. I support.

**Hon. Deputy Speaker:** Hon. Akai.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Hon. Deputy Speaker, I want to thank you for, finally, giving me this chance. I pressed my button before we came into the Chamber. Thanks. I rise to support.

**Hon. Deputy Speaker:** That should explain your difficulty. Everybody says they pressed the button when they came here at 2.30 p.m. If you all did so, you can expect there was going to be some ranking of some sort.

Proceed, Hon. Emanikor.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thanks. I rise to support the Bill that seeks to bring effect Article 81 of the Constitution, which is in Chapter 7 on the representation of the people. It seeks to bring amendments to enforce that not more than two-thirds of the members elected to public bodies shall be of the same gender.

To begin with, I would like to start by a quote from Sen. Elizabeth Warren of Massachusetts, who said that if you do not have a seat at the table, you probably are on the menu. This Bill is about having both gender at the table where decisions are made. It is not about competition between men and women. It is about complementarity. It is not about conflict. We are only talking of women because it is unfortunate that the current arrangement disadvantages women.

Kenya has a high rank and repute in the world in its development, sports, political activity and many things. We would not want to taint this good image of Kenya by failing to

honour such a small obligation as meeting the two-thirds gender principle. We know Kenya was ranked well in the Good Country Index of 2017.

*(Hon. David ole Sankok walked in the aisle)*

**Hon. Deputy Speaker:** Who is this Member blocking my clear view of the allay? Proceed, Hon. Akai.

**Hon. (Ms.) Joyce Emanikor** (Turkana CWR, JP): Thank you, Hon. Deputy Speaker. I hope I will recover my minutes. I just said that Kenya was ranked among the best in Africa in the Good Country Index of 2017. In 2015, we know our capital city was ranked the smartest and most intelligent in terms of prosperous economies based on ICT. All these are good things about Kenya. Now, as parliamentarians charged with the responsibility of protecting the Constitution, we should not allow a small obligation to taint our image.

Margaret Thatcher, one of the global iconic women of our time said that anyone who understands the problems of running a home is nearer to understanding the problems of running a country. She was referring to women. Women deliver results, outputs, performance and inclusivity. In the words of Hon. Junet and Hon. Mbadi, women are more reliable and dependable. They deliver all these things. Of course, we also deliver babies and food on the table.

*(Laughter)*

We should not hear issues of “*punda amechoka*” when it comes to meeting that constitutional requirement yet we are clamouring for constitutional reforms which are very costly. We are talking of a three-tier government. We are also talking of a referendum, which is very costly. We are talking of reforming the Independent Electoral and Boundaries Commission (IEBC), and many other reforms that we want to take into consideration.

I congratulate the Cabinet Secretary, Ministry of Education for meeting this requirement. I congratulate Nyeri County because I know half of its county executive members are women including the chief officers. We urge the rest of the electorate in Kenya to consider women for leadership positions.

**Hon. Deputy Speaker:** We will have Hon. Mulyungi Mutemi, Member for Mwingi Central.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Deputy Speaker. I rise to support the Constitution of Kenya (Amendment) Bill.

In 2010, Kenya enacted the Constitution with the two-thirds gender rule enshrined. Time has come for us to actualise the vision of the Constitution. I am told by a lady colleague that they are 91 ladies in Parliament including the CWRs. If you take 30 per cent of the total number of Members, we only need 140 female Members. Therefore, topping up is not a tall order.

I love women.

*(Laughter)*

I was in college with...

**Hon. Deputy Speaker:** How will I know your love for women? How is it possible that I would?

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Therefore, I would support anything for a woman even at midnight.

**Hon. Deputy Speaker:** Hon. Mulyungi, obviously, I know where you come from and I would easily know your preferences and you know it. Proceed, anyway.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): Thank you, Hon. Deputy Speaker for knowing me.

If you want anything sweet, look for it in women and you will find it there. That includes my colleague here. I have been feeling warm since I sat here. Therefore, that is why I have risen to support the Bill.

**Hon. Deputy Speaker:** I am getting very uncomfortable, Hon. Mulyungi, because I do not think we are increasing any sweetness in the House. So, proceed with the relevant constitutional amendment; increase of either gender.

**Hon. Gideon Mulyungi** (Mwingi Central, WDM-K): I am describing why I support the Bill. I love the party leader of the Wiper Democratic Movement, the party that brought me here. I also love my President, His Excellency Uhuru Kenyatta. Since the two have spoken and the National Super Alliance (NASA) principals have all spoken in support of this Bill, who am I to say no?

So, I rise with all my body, as Babu Owino has said, and all my organs to support the Bill. Women are very important in society and it has been said many times. They carry us for nine months, give birth to us, sometimes with a lot of difficulties and pain, breast feed us and take care of our homes. They even cook for us. Some of these ladies here cook for their husbands. Therefore, these are very important people and we must support them.

I support the Bill. Thank you.

**Hon. Deputy Speaker:** Hon. Sossion.

**Hon. Wilson Sossion** (Nominated, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity. I rise to support the Constitution of Kenya (Amendment) Bill, No12. It is extremely important at this time in this nation when we are reflecting on the status of implementation of the Constitution of Kenya. This is one area that should have been fixed even before the elections of 2013.

Hon. Deputy Speaker, Article 81 of the Constitution does not only obligate Parliament, but it obligates all public bodies. It talks of all public bodies. I am drawn from the trade union movement and other organisations and in 2011, we complied with this provision without exception. Indeed, we have recorded tremendous results. I find it a bit retrogressive for some of us to look at it differently and engage in unnecessary feminine war. The gender equality agenda is not only a Kenyan agenda. It is a global agenda. As I support this Bill, I salute all the women who we know, as we are seated here, are working hard in every household to ensure that there is food on the table. The role model, in terms of supporting this group of hardworking human beings who deserve equality at every stage, is the Parliament of Kenya. The mathematical provision in the Constitution is clear. The Bill before this House provides the best solution.

Kenya is signatory to international commitments. The Millennium Development Goals (MDGs) are very clear about issues such as maternal rights and maternal deaths. The Sustainable Development Goals (SDGs), the way they are framed, are very loud about gender equality. Global competitiveness is there in every aspect and I am sure if Kenya is ranked, we will not be in a pleasant position. This Parliament needs a critical number of either gender. It is not about women.



Hon. Deputy Speaker, I want to give you critical data. Figures speak and they do not lie. Education has been mentioned as one area that has made tremendous achievements. This is because of the Education for All (EFA) goals of 2000-2015. In 2005, an analysis was done in the education sector in terms of leadership of schools. Data at the Teachers Service Commission (TSC) indicated that male teachers were 52 per cent while female teachers were 48 per cent at that time. Those who were in leadership in 2005 were 27 per cent. A lot of work has been done. To date, we have almost achieved gender parity. We have seen women vice-chancellors who have done well. We have seen female school principals who have done well too. In the recently released Kenya Certificate of Primary Education (KCPE) results, we observed the candidature of 529,000 female candidates and 531,000 male candidates. Therefore, this Parliament should not be debating whether or not we should throw out this Bill or whether or not we should have the two-thirds gender rule fully implemented. In fact, it ought to have been implemented like yesterday. We should not be classified as a chauvinistic and retrogressive nation.

**Hon. Deputy Speaker:** Very well. Your time is over. Hon. Waweru Kiarie.

**Hon. John Kiarie** (Dagoretti South, JP): Thank you very much, Hon. Deputy Speaker. I do not take for granted this opportunity to support this Bill. I want to declare that I support the Bill. It is a critical matter like this one that reveals the real mettle of a man. This is going to be a controversial debate. It is going to be so at this level of debating and at the moment we shall be called upon to vote. At the point of voting, the real mettle of the men and women who have spoken in this House shall be proved. The great Martin Luther King said that our character is not measured when things are good. In fact, our character is measured in times of controversy. It is for that reason that I want to add my voice in support of this critical Bill at this critical time in the history of this country.

This is a constitutional matter. We need to look back and reflect upon the journey we have made since we passed the Constitution in 2010. Issues have been raised on how we shall achieve the two-thirds gender rule. Issues have been raised about how much it is going to cost us in terms of having the top up of gender in this House. In our short journey with this Constitution, we have made harder and more expensive decisions. I will single out devolution as an example. We implemented it with all the financial burden attendant to it.

Hon. Deputy Speaker, it will cost 0.02 per cent of our budget to put in place the gender top up. That is a small cost for us to pay as a country in order to achieve gender parity. I am cognisant of the fact that in my constituency, 52 per cent of the constituents are women. They decided to elect me as their Member of Parliament. So, I stand here this afternoon as the women representative of the people of Dagoretti South. I know that whenever people of Dagoretti South are given an opportunity, they are able to choose between a man and a woman not because of gender, but because of what they are able to do. It is a constituency that gave us the first woman Mayor in this city. It also gave us Hon. Beth Mugo, who served for three terms in this House. Even when I vied, I did so against women and our people were able to choose not on the basis of gender, but on the issue of how well they thought I could deliver. For the 52 per cent of women in my constituency, I stand here as their representative to say that they are more than half of the team that we need to play in this game of pushing our country forward. As such, they need representation in places where decisions are made.

Our country is a global leader in many fields. I see a great opportunity for us to use gender parity as one of the firsts that Kenya is going to lead in, in this region. I know there are countries that are ahead of us like Rwanda, but their leadership was occasioned by a very unfortunate situation. We are going to do ours the right way. We are going to give guidance not

only to this region, but also to the whole world. Barrack Obama, in his first visit to this country, said that it would be very unfortunate for any team going for a game to play with half of its team members on the bench. Right now, we are keen to put half of our team on the platform so that we can move ahead as a country.

Thank you very much, Hon. Deputy Speaker for this opportunity. I support.

**Hon. Deputy Speaker:** Let us now have, Hon. Wetangula Wanyonyi.

**Hon. Tim Wanyonyi** (Westlands, ODM): Thank you, Hon. Deputy Speaker. I also want to support this constitutional amendment Bill. People who want to fail this Bill are the ones who are calling it a women's Bill. This is a constitutional amendment and it is for the purpose of achieving the constitutional threshold of either gender in Parliament.

Today, we may say that the shoe is on the other foot, but tomorrow, the story could be different. So, as we debate, let us be sober and know that we are trying to achieve a constitutional requirement. That necessitates us to have one-third of either gender represented in this august House and the Senate. That is what this amendment Bill is trying to achieve. We are not saying that we are going to jump in and nominate people haphazardly. We want to create a legal framework on which this will be done. We are also looking at the way of achieving this in a better way than what people are saying that we are going to increase the wage bill.

Sometimes, I think we trivialise things in this country instead of looking at the bigger picture. People have accused Members for this. But for us to achieve this in a better way, it will also be good, if we can invest in civic education. We need to educate the electorate on how we can achieve this gender parity that we occasion every time. At the county assemblies, we have a formula that has been used. At that level, we are not having any problem with this constitutional requirement. The nomination of MCAs has been occasioned by top up. Where they realise that either gender has not been met, they just nominate the other gender to top up to achieve the requirement. If it was done here, we would have reduced the gap. We would now be talking about something else.

This will also be achieved progressively. A few years ago, there was just one or two women in Parliament. Right now, we have many female colleagues who have been popularly elected. This shows that we can achieve this with time. Even the 20 years that we have put in place, maybe at that time things will change. I am sure at one point, even the men who are so scared about their female colleagues coming here will be the ones requiring the provisions of this Bill to empower them. An affirmative action is not a permanent thing. It is something that is supposed to achieve the requirement and then afterwards something else happens. I support this Bill. Let us not categorise it as a women Bill because it is a constitutional requirement and amendment.

Hon. Deputy Speaker, I support.

**Hon. Deputy Speaker:** Hon. Okelo Oduyo.

**Hon. Jared Okelo** (Nyando, ODM): Thank you, Hon. Deputy Speaker. I rise to throw my weight and add my voice to this gender Bill. It has the potential to cure two most fundamental yet retrogressive ills that have permeated and pervaded our system for way too long. The first one is discrimination and secondly, inequalities.

The space of the Kenyan women in leadership continues to shrink by the day despite the Constitution recognising them. The two-thirds gender rule in line with Article 81 of our Constitution would institutionalise and increase the participation of women in decision-making processes. The Executive continues to ignore women in appointments despite public assurances of their support of women every time. By implementing the two-thirds gender rule, we will

correct historical injustices against vulnerable groups that have enhanced inequalities since time immemorial.

To buttress the points that were raised by Hon. Nyikal, ironically, Kenya is a State party to the African Charter, the International Covenant on Civil and Political Rights and the Convention on the Elimination of all forms of Discrimination against Women, which also requires women's protection against violence. It has also ratified the United Nations Security Council Resolution No.13/25, which calls for equal participation of women in decision-making bodies through the Kenya National Action Plan of 2016.

In the spirit of the handshake, President Uhuru Kenyatta and the people's president Rt. Hon. Dr. Amollo Odinga, will need all the support for the Big Four Agenda to succeed. The main factor that will make or break that legacy will be the inclusion of women in all the four pillars. Without women, there will be no true development in this country. We must respect the law because it is a constitutional requirement and not a charity to be given to our women.

Everyone will tell you that their mother is the best in the world. But the highest degree of that goodness must be exhibited by giving them what is due to them. The Bible, a book that I derive my discipline and respect, tells us to give Caesar what belongs to Caesar. Let us give our women what is due to them. For that, I support the adoption of this Bill, which we will mid-wife into an Act of Parliament.

Thank you, Hon. Deputy Speaker.

**Hon. Deputy Speaker:** Hon. Passaris.

**Hon. (Ms.) Esther Passaris** (Nairobi CWR, ODM): Thank you, Hon. Deputy Speaker for giving me this opportunity. I stand to support this Constitution (Amendment) Bill, 2018. I am a bit worried about the sincerity of this House. We keep talking about leaving a legacy by passing this right, which women were given by the 2010 Constitution. We have implemented everything in the Constitution including devolution, which costs a fortune. Now we are saying that *punda amechoka*, meaning the donkey is tired.

Look at our country, what Parliament costs and we need to be bold when saying this. The two Houses of Parliament cost only 1.5 per cent of the entire national budget of Kshs3 trillion. So, Parliament is not the reason why the donkey is tired. It is tired because of corruption. In fact, it is dying. The two-thirds gender rule is not about women. But for the moment, women are the ones who are marginalised in this House.

We needed to have an affirmative action. Let me just talk about Nairobi, which has 17 constituencies. Of them all, had we not had affirmative action, today, we would only have one female Member, the Member for Kasarani Constituency, Hon. Mercy Gakuya. There would be 16 men representing the remaining constituencies. Hon. Mercy Gakuya would not go to other constituencies to address women issues because she would be confined to Kasarani. So, we have the affirmative seat of the County Woman Representative (CWR).

As a County Woman Representative and all the other CWRs, we are able to go to the various constituencies. We know that single county women Members are only 23. There are only three female governors, which is less than 10 per cent. We should be ashamed of ourselves that we are seated here asking to be lobbied, talked to nicely and told why women want these seats. Why should women go for nomination and not fight it out like the men do? For me, men in this House are not serious. They should respect the rule of law. We are saying that this is the same Constitution that has brought them to this House.

I want to talk to Kenyans out there and tell them that the 47 CWRs are being judged very harshly. The reason why they cannot serve Kenyans well is because every time they ask for

money, men, who are the majority, deny them that money. The last time we were preparing the budget, we were given Kshs500,000. We have Kshs6.5 million per constituency when a male Member of Parliament has Kshs100 million and we are judged the same. So, let us understand that this is in our Constitution. If we fail to pass it, I pray that the Judiciary, which is the third arm of the Government, sends us all home because we have been given enough time. We are in contempt of court as we speak. In 2016, we asked for one more year to implement and operationalise the two-thirds gender rule. We should have done it in 2017. We are now in 2018 and some Members are still saying, “Massage us, talk to us nicely and tell us why we need you.” We need to pass the two-thirds gender rule because it is a requirement of the Constitution. We adopted the Constitution and now you are saying it is going to be very expensive to have the 22 women in the National Assembly and the two women in the Senate. It will cost only Kshs280 million. What will be more expensive? Is it not the referendum, through which we want to remove women? We know that, that is the agenda of the majority of the male Members, but we cannot run this country without women.

I am talking to the President and all the party leaders who said on television that they support this Bill. Why have you not called parliamentary group (PG) meetings? Why have you not whipped Members? You whip Members when you want something to be passed by Parliament, but when it comes to women issues, you do not bother. President Uhuru Kenyatta was the first one to start the campaign. Let him do what he needs to do to pass this Bill. This is becoming a joke. The Leader of the Majority Party has brought this Bill for the second time. He is not used to failing. If he fails, it would mean that he did not work hard enough. He needs to work very hard.

**Hon. Deputy Speaker:** Your time is over. I give the Floor to Hon. Leshoomo Maison.

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, KANU): Asante sana, Mhe. Naibu wa Spika. Mimi pia naunga mkono Mswada huu wa akina mama Kenya nzima.

Ningependa kusema kwamba nilikuwa katika Mbunge la Kumi na la Kumi na Moja. Ninawashukuru wale ambao wametupatia baadhi yetu uteuzi wa kuwa katika Bunge hili. Kama Mhe. Leshoomo Maison hangeteuliwa kujiunga na Bunge la Kumi na marehemu Bi wa Taifa Lucy Kibaki, pengine akina mama kutoka jamii ya Maa hawangekuwa katika Bunge hili leo. Ninasema hivyo kwa sababu tulifunguliwa njia. Ndio maana tukapata Mhe. Peris akiwa amechaguliwa, Mhe. Naisula Lesuuda akiwa amechaguliwa, Mhe. Sarah Korere akiwa amechagula na Wabunge wengine wawili ambao wameteuliwa. Mhe. Maison Leshoomo pia alikuwa ameteuliwa ndio maana tukafunguliwa macho.

Natoa shukrani kwa wanaume wote wa Jamii ya Maa, wazee kwa vijana, kwa kutuunga mkono wakijua kwamba mwanamke pia anaweza kuwa kiongozi. Ningependa wale wanaosema kuwa Wabunge wateule hawana maana wajue kwamba wana maana sana. Hii ni kwa sababu utakuwa na njia ya kujipigania. Ninawaomba viongozi wote wanaume, kila mwanamume ana mke au msichana nyumbani kwake, miaka 20 ijayo, pengine nyinyi ndio mtakuwa wachache katika Bunge hili. Kwa hivyo, Mswada huu si wa akina mama. Ni wa sisi sote. Ni wa Wakenya wote. Wale ambao watakuwa wamekosa nafasi watapata nafasi.

Utanisamehe kidogo, Mhe. Naibu wa Spika. Kuna msemo - na si wimbo – unaosema kuwa:

“Sisi wanawake ulimwengu mzima tuzidi kwendelea tusichoke. Mungu we, Mungu we, tusaidie. Mapenzi yote ya nyumbani juu yetu wanawake, mapenzi yote ya nyumbani juu yetu wanawake.”

*(Hon. (Ms.) Maison Leshoomo sang)*

**Hon. Deputy Speaker:** Order! Order! Order!

**Hon. (Ms.) Maison Leshoomo** (Samburu CWR, KANU): Mhe. Naibu Spika, nimemaliza. Kazi zote za akina mama zinafanywa na sisi. Kila kitu kinafanywa na wamama. Hata nyumba ikiwa baridi wewe huwezi kuingia. Kwa hivyo, tunaomba Kenya nzima ituunge mkono. Saa hii ninashangaa kila Mjumbe anatoka nje. Katika Bunge la Kumi na la Kumi na Moja tulipigania Mswada huu na ninaomba tuupitische. Ninaunga mkono na ninawaomba magavana wetu mahali popote wanapotusikiza, watuunge mkono. Wawakilishi wetu wote wa kaunti pia watuunge mkono.

**Hon. Deputy Speaker:** Thank you very much, but I must, of course, confirm that this is a debating Chamber and not a singing chamber.

*(Laughter)*

Hon. Adagala Kahai, Member for Vihiga.

**Hon. (Ms.) Beatrice Adagala** (Vihiga CWR, ANC): Thank you, Hon. Deputy Speaker, for giving me this chance to also talk on this very important Constitution of Kenya (Amendment) Bill No.4 of 2018.

I support this Bill. It is long overdue. It is not all about women. It is for the both genders. How I wish this Bill could have gone through in the last Parliament. Somebody has said here that Barrack Obama said it is unwise to have half of your team not playing as the country pursues its development goals. For Kenya to achieve its development goals, we need to involve both genders.

Pope Francis said women are important voices in today's society. Sometimes we do not make room for women to show how capable they are. Our President, Uhuru Kenyatta, is a champion of gender inclusivity. It is sad for this country to witness a situation where a Member can say that we must massage them, talk nicely to them and kneel down asking for this Bill to be passed. Most of the people's concern is how the political parties are going to share the 21 slots. This is a House of law. Maybe, later on, this House will give guidelines on how the political parties will share these slots instead of the hullabaloo I am hearing. Yesterday, I was shocked when I heard a nominated Member castigate slay queens. He does not know he is also nominated and, therefore, he was given his share of a slay king.

For us to avoid all this kind of talk here and there, we had the first women chiefs. Wangu wa Makeri was there in 1901 to 1909. We have had the first woman Member of Parliament, Grace Onyango. I remember as KEWOPA, we visited her. Therefore, in a nutshell, I am saying that women are capable. If most people have taken this Bill to be for women, I am very much for it. I support it with all my heart and with all my other parts of the body, as others are saying.

With those remarks, I urge Members to pass this Bill the way it is.

**Hon. Deputy Speaker:** Let us have Hon. Mabongah Mwambu.

**Hon. Mwambu Mabongah** (Bumula, Independent): Thank you, Hon. Deputy Speaker for giving me an opportunity to add my voice to this constitutional amendment Bill. The Bill is not something new. Gender equality is a basic human right. As we look into the rights of human beings, many issues have been raised that Members in this House should not be blind to. My colleagues have just raised some concerns that come along with nominations. It is true that most nomination slots have been misused. We come from different political parties where people

nominate their relatives, wives and people who are close to them. That is why even if we support this Bill, we have to be realistic and come up with a legal framework to ensure that the right people, who are the women of this House or those outside, benefit from the amendments we are proposing before the House.

People have cited many examples in East Africa, particularly Rwanda. To be born a woman is power. If you pretend to be one, then you are not. People have turned this Bill into a women-only affair. Yesterday, somebody said that if we allow women to be given those nomination slots, we will increase love in some families. There are occasions where the opposite might be true. Since this Bill has been defeated twice, what are some of the efforts that have been made, including public participation, to make sure it passes this time?

Yesterday, I watched the debate on different media stations. You will be shocked that outside there, when you talk of nomination slots being increased, people are crying about the wage bill. We know that the budget allocated to Parliament is very little, but outside there, the majority of women do not agree with it. Just in case this Bill is defeated - even though we support it - each one of us should make an effort to go back to our respective constituencies and sensitise people to understand that this is a basic human right. Today, we are talking of nominating women. Maybe in the next Parliament, we will be talking of nominating men. If in the next Parliament there will be more men sweeping more seats, what will happen? Will we come up with an amendment Bill to ensure that we have more women in positions? This is something that we need to look at very seriously so that we can capture what is needed.

Another thing that we need to do is to look at the Constitution. As I said, this is not something new. The Constitution was passed by Kenyans. When Kenyans passed it, some of them did not know that it is an expensive venture. If we want to fulfil the constitutional mandate that we have been given as Members of this House, we have to be realistic. Let each one of us support it. I have heard some Members say that we should just say that we support it, but when it comes to voting, people will walk out. We are not being genuine with ourselves unless another “Soipan ruling” will be introduced in the House. We have to, at least, be realistic in what we are saying. If we support the amendment, let us be here during the voting day and exercise our democratic right so that we can walk together as a team in this nation.

**Hon. Deputy Speaker:** Let us have Hon. Chepkut Chirchir.

**Hon. William Chepkut** (Ainabkoi, JP): Hon. Deputy Speaker, I support this constitutional amendment Bill. I am the only human soul alive who supports it with my whole body, organs and everything. I say so because who am I not to support...

**Hon. Deputy Speaker:** Order, Hon. Chepkut. Inside the House, just support using your card and voice. Let us leave everything else.

**Hon. William Chepkut** (Ainabkoi, JP): Hon. Deputy Speaker, even you are alive because of a woman. We must respect women. I send these heartfelt congratulations to my mother. She carried me for nine months. I am what I am today because of her.

His Excellency the President, Uhuru Kenyatta, His Excellency the Former Prime Minister, the Deputy President and Kalonzo Musyoka all support this constitutional amendment Bill. I humbly appeal to all Members of the 12<sup>th</sup> Parliament to support this Bill. Let us move speedily to enact it. It is our mandate to make sure that it is enacted into law.

Having said that, it is a fulfilment of basic human rights. Our mothers, daughters and sisters are at home watching us and expecting us to support this constitutional amendment Bill. We must move speedily so that the President, Deputy President and His Excellency the former Prime Minister are all happy because they are the ones who made this Constitution happen. This

country is managed by the Constitution of Kenya, 2010. The 12<sup>th</sup> Parliament should go into the record as having adopted and passed this constitutional amendment Bill.

I support it fully.

**Hon. Deputy Speaker:** Let us have the Member for Matayos, Odanga Makokha.

**Hon. Geoffrey Odanga** (Matayos, ODM): Thank you, Hon. Deputy Speaker. I support this Bill, but with reservations. I have reservations because as it has been noted before, the leadership of political parties across the country has previously abused the opportunity they have been given to nominate members. This is the outcry that is coming from Kenyans all over the country. Both men and women are complaining because nominations have never been fair. After the 2013 elections, in Busia County, for instance, one political party nominated two sisters to the county assembly. In Laikipia, for instance, also, one political party nominated one Member, whom we sat with here, who was his wife and two daughters. We have heard this across the board in all political parties. This is what we are saying even as we pass this Bill.

**Hon. Deputy Speaker:** What is it, Hon. Waruguru?

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Thank you, Hon. Deputy Speaker. I rise on a point of order. Is it in order for the Member to give misleading facts regarding a political party, which, in one way or the other, he is not a Member and does not understand the running of the party? I represent the people of Laikipia. I want to confirm there is no Member who has nominated his wife or his two children. I want the Member to concentrate on the core business of the Bill and support women.

**Hon. Deputy Speaker:** What do you have to say to that? If it is not factual, you have to withdraw.

**Hon. Geoffrey Odanga** (Matayos, ODM): I have already said it and I can stand by it.

**Hon. Deputy Speaker:** Is it something you can substantiate, Hon. Odanga? The challenge is that you have been asked to substantiate.

**Hon. Geoffrey Odanga** (Matayos, ODM): Hon. Deputy Speaker, the Member I am trying to allude to is still a Member of this House, but he is not a nominated Member now. I do not think it will be in good faith to do that.

**Hon. Deputy Speaker:** Then, did you need to say it in the first place?

**Hon. Geoffrey Odanga** (Matayos, ODM): Let me withdraw.

**Hon. Deputy Speaker:** That is fine now.

**Hon. Geoffrey Odanga** (Matayos, ODM): I have already said that nominations have not been done in a fair way before. Because this is an issue of the Constitution, I appeal to the Members that we support the Bill. However, in future, we must ensure that we use the necessary means to have our parties conduct nominations in the right way, so that the most suited persons are nominated. For instance, we would like to see the very local *mama mboga* in our villages being nominated and taking up the special seats. It should not be an issue of nominating only women who ply around the party leaders who live in towns. People have said this using various descriptions here.

*[Hon. Deputy Speaker (Hon. Moses Cheboi)  
left the Chair]*

*[The Temporary Deputy Speaker (Hon. Christopher Omulele)  
took the Chair]*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Odanga, did I hear you talk about the women who lay around? Hon. Mbarire, what is out of order?

**Hon. (Ms.) Cecily Mbarire** (Nominated, JP): Hon. Deputy Speaker, it is wrong to consistently continue to insult women who end up in this House that to be nominated, you must lay around. First of all, what is laying around?

Two, we must stop this stigma that for a woman to be nominated, you must lay around, whatever that means. We are tired of being categorised into rural, urban and classic women, and slay queens. Nobody does the same classification to men. There is no talk of an urban or rural man. Any man gets elected. There is no talk of an uneducated and educated. We have to stop this because it is not fair to women leaders in this country.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mbarire, your point of order is made. I had already asked Hon. Odanga on this issue of laying around.

**Hon. Geoffrey Odanga** (Matayos, ODM): Hon. Temporary Deputy Speaker, I did not say laying around, but plying around. I even said flying around.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Odanga, that is even worse. Withdraw it and proceed. Probably the microphone is also protesting. Try the next one. Give him the next one, so that he can complete his contribution. Do not make the microphone fly. Give him the next one. Hon. Odanga, use the next one.

**Hon. Geoffrey Odanga** (Matayos, ODM): As I was saying, I support the Bill with reservations because of the issues I raised. In any case, this is neither a women's Bill nor a men's Bill. It is our Bill. It is about us and the Constitution. We need to adhere to the requirements of the Constitution and we can do the other issues of amendments later and make sure that party leaderships are fair enough to Kenyans by nominating both men and women to represent the various categories of the Kenyan people.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Odanga, clearly the microphone has flown. We shall have contributions from Hon. Nyaga Nkatha, Member for Tharaka-Nithi.

**Hon. (Ms.) Beatrice Nyaga** (Tharaka-Nithi CWR, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Bill. From the outset, let me thank male Hon. Members in this House who have supported this Bill since yesterday and today, including Member 001, although he did it with reservations.

I also want to say that this is not a women's Bill. It concerns the Constitution of this country. The Constitution makes a provision of the two-thirds gender principle. As we sit in this House today, we fall short of the two-thirds gender principle. We are 76 women in the House. We have 47 women representatives representing the 47 counties. We have 23 women representing constituencies and six nominated ones. That means that we are short of the two-thirds gender rule. Most Kenyans supported the Constitution in 2010. If we are not going to implement this, then we are doing a lot of injustice to the Kenyan people. As a House, we need to support the Constitution of this country because the day we were sworn in, we agreed with our Bibles and Qurans that we will support the Constitution and what Kenyans want, but today, we have not done it.

In the 11<sup>th</sup> Parliament, Hon. Duale brought the same Bill which is not for women, but for this country and this House. He supported us, but it did not go through. I urge the men of this House, who are our good friends, brothers, husbands and boyfriends, to support this House at this particular time. Let us make history in the 12<sup>th</sup> Parliament. Let us leave a legacy by supporting this particular Bill. If men in this House are fewer than women today, they could be



doing the same thing we are doing. They could be talking to us and doing all sorts of things, so that we support them. However, since it is us who are few in this House, I am urging our male colleagues, with all my sincerity, to support this particular Bill.

I support. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well. Hon. Atandi.

**Hon. Samuel Atandi** (Alego-Usonga, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to contribute to the Constitution of Kenya (Amendment) Bill 2018. I want to begin by saying that this is a very simple Bill which is about equal participation of both men and women in democracy, governance and decision-making. Equal participation of men and women in politics is an effective way of good governance. It is one of the methods that can be used to say whether we are a democratic country or not. So, this is very simple. I know there are some fears that have been expressed by men. I wanted to begin by addressing a few of them. One, if women are more in a House like this, then men will be outnumbered and will not have a voice.

Hon. Temporary Deputy Speaker, earlier in the day, I challenged a colleague in trying to address those fears that for me, if today my wife was the President of the Republic of Kenya, I would be very happy. In fact, I would be carrying her bag everywhere she goes and I would also be called His Excellency. So, my male colleagues, we do not have to fear women outnumbering us in decision-making. There are many examples of countries that are progressing very well in many aspects of life because more women are in power. An example is Rwanda. In Rwanda, you find that primary health, which is very important, is progressing very well. In fact, in Africa, Rwanda is leading in primary health. The reason why this is happening is because there are more women in Parliament and, therefore, they are able to allocate more resources to critical aspects of life which matter to both men and women. If there are more women in leadership, it is good for the health of both men and women. We really do not need to fear a possibility that in future, we are likely to have more women in decision-making.

Another thing that equal representation will address in our country is national inclusivity. We know that our women are not as tribal or ethnic as men. This is demonstrated by the fact that today even if you come from Nyanza, you probably have a girlfriend from the central region or from another part of the country or even from Somalia because women are more open and more genuine. From where I sit, if we have more women in power or in positions of leadership, it is good for the health of both men and women. When it comes to addressing salient issues of the country, things that matter to everybody, women are more positive. Even in our homes, women run them. We are healthier in our homes because women make critical decisions. So, I plead with my male colleagues that we have no option in this legislation, but to ensure that we work with women.

Another aspect of leadership I have in women is to help this country and the world to be less politically corrupt. This is a fact. Look at all corruption cases in court today. Ninety per cent are occasioned by men. I can enumerate many benefits that would come about if there were more or equal women in power as men.

This House must do everything possible within or without the statutes and the Standing Orders to ensure that this law is enacted. Therefore, I support this Bill and encourage all our men in this House to support it. Thank you, Hon. Temporary Deputy Speaker.

*(Hon. David ole Sankok spoke off record)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Sankok, you have already spoken to this. There is nothing out of order. Hon. Atandi has made very substantive and clear contributions to the Bill. It is encouraged to those who will make contributions after him to copy his example.

We shall have Hon. Yussuf Halima.

**Hon. (Ms.) Halima Mucheke** (Nominated, JP): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to support this Bill on the two-thirds gender rule brought to the House by the Leader of the Majority Party. As we are aware, this is a constitutional imperative and for the sake of the Constitution that was voted for overwhelmingly by Kenyans, I urge my colleagues to support the Bill. There is need to increase the number of women in Parliament because as we are aware, women invest a higher proportion of their earnings in their families and communities. Time and again, we have heard that 52 per cent of the population is female, but as we all know, most positions of power and prestige are occupied by men. The late Wangari Mathai rightly put it that, “The higher you go, the fewer the women there are.” In order for us to be present at the decision-making table, let us support this Bill.

Last night, I slept a very worried woman because of the remarks I heard here by my colleagues especially Nominee 001, who happens to be a nominated Member of this House just as myself. He said that women have slayed their way into Parliament. I have been wondering how he did gigolo his way here.

*(Laughter)*

Therefore, I support this Bill and urge my other colleagues to support it.

**Hon. David ole Sankok** (Nominated, JP): On a point of order, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Yussuf Halima, before you sit down, withdraw the gigolo bit. Hon. Sankok, just relax. Hon. Halima, please, withdraw the gigolo bit for us to make progress.

**Hon. (Ms.) Halima Mucheke** (Nominated, JP): Hon. Temporary Deputy Speaker, I withdraw and urge that my colleague withdraws the remarks he made yesterday.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, when the Hon. Sankok was allegedly making that comment, I was not in the Chair. So, I do not have to reckon with it.

Hon. Members, demeaning comments on other Members or to cast aspersions on the route and manner in which Members found their way into this House is not in order. Everybody who has come to this House is honourable. The route through which they found their way to this august House is an honourable way that is founded upon the law and Constitution of this country. So, there is no way you can impute ill motive or ill intention on the route a person used to this House.

Hon. Sankok, kindly, let us respect each other and treat each other honourably. Let us have contribution from Hon. Ongera Janet.

**Hon. (Ms.) Janet Ong’era** (Kisii CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity so that I may also make my contributions to this historic debate. I rise to support the Constitution of Kenya (Amendment) Bill, 2018 dubbed the “Duale Bill”. From the outset, I take this opportunity to congratulate the Mover, Hon. Duale, for being consistent and supportive of the course of women in this country and for bringing this Bill. In

equal breath, I also take the opportunity to congratulate and commend the Seconder of the Bill, Hon. John Mbadi, the Leader of the Minority Party, for seconding it and for being consistent in the support of women leadership in this country.

This is a historic Bill. Let me also congratulate all my brothers in this House for consistently supporting the course of the Bill. In equal breath, let me congratulate my sisters, particularly the leadership of KEWOPA, for standing out and going out of their way to support this Bill. I also congratulate all the female Members of this great House for their unity and solidarity on this issue.

We have been told that this Bill is not about women. It is a Bill that attempts to narrow the gender parity in the leadership of Parliament in this country. It is a Bill that brings affirmative question closer to our hearts. The women at the grassroots, the widows, persons with disability and the women who are in the various professional fields like trade unions will be given an opportunity to come to the table of political leadership and have them participate in this Parliament. Therefore, there is need for us through equity, tolerance, peace and through our understanding as Members of Parliament to give these women an opportunity to participate. Why do I say this? I say this with great passion because I am a child who came to this political leadership through nomination, I was not anybody's slay queen. Kenya knows that. Kenya knows what I did for my political party in order for me to come to this Parliament. Many women who are nominated are nominated because of the excellent work that they have done - their commitment and their dedication to the political course of their political parties that they believe in. Had I not been given that chance to be nominated as a senator I, perhaps, would not have been elected as a woman leader. I am very happy that through that chance, I have been able to effectively participate and now I am an elected woman leader. Who knows what I will be tomorrow? I could be the President of this country. I could become the Prime Minister of this country when we amend this Constitution. Therefore, there is need for us to give our women opportunities so that they are able to contribute effectively in the political leadership of Kenya.

Kenya has been a shining example. We have been shining in the field of tourism and lately in the field of tolerance and peace. This is epitomised by the golden handshake that none other than the President and Hon. Raila Odinga came together to bring peace. Why can we also not be shining in the field of women participation in leadership by inclusivity? We do not want to hear that Rwanda, Senegal, South Africa, Namibia, Mozambique and Ethiopia are leading when we know that Kenya is a shining example in many fields and it can lead in women inclusivity and participation.

Finally, issues that have been raised are of concern— that there is need to have a criteria on how we will nominate women. I can tell you that if nobody brings that Bill to the House, I will be the first one to bring it here. It will show a criterion of nominating women from political parties based on the principle of proportionate party representation.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well spoken, Hon. Onge'ra. It is noted. We shall have contribution from Hon. Nangabo Janet, Member for Trans Nzoia.

**Hon. (Ms.) Janet Nangabo** (Trans Nzoia CWR, JP): Asante sana, Mhe. Naibu Spika wa Muda kwa kunipa nafasi hii ili pia nichangie kuhusu Mswada huu wa jinsia.

Ninashukuru wananaji ambao wamezungumza mbele yangu kuhusu mambo ya jinsia. Nitaanza kwa kushukuru mwenyekiti wa Kamati ya Sheria na Haki kwa sababu alitupatia maoni ya washika dau ambao alikutana nao akitembea Kenya kukusanya maoni yao. Alisema kwamba

walikutana na watu na vikundi karibu 59. Na kutokana na hivyo vikundi 59 , vikundi 55 vilikubaliana kwamba mambo ya jinsia lazima yakamilishwe kulingana na Katiba yetu.

Mimi pia nitasema hivi kwa wale walioteuliwa katika nyadhifa mbalimbali katika nchi yetu ya Kenya kuanzia kwa Mhe. Cecily Mbarire, Rachael Shebesh and Millie Odhiambo, hawa ni dada zetu waliokuwa wanafanya bidii katika vyama vyao. Walijitolea kuhakikisha kwamba angalau vyama vyao vimepiga hatua katika nafasi yao. Mimi pia nilikuwa nimeteuliwa katika *municipal council* ya Kitale. Nikiwa huko, sikukaa kungoja kuteuliwa mara ya pili, nilifanya bidii kuhakikisha kwamba nimesonga kutoka kiwango hicho hadi kiwango kingine. Ndiposa unaona kwamba nimekuwa kama mwakilishi wa akina mama mara ya pili. Na vile dadangu Janet Ong'era amesema, haujui kutoka hapo, itakuwa vipi. Kama wenzetu walivyosema, tukisema jinsia hatumaanishi jinsia moja, ni yote mbili. Wakati ujao utaona kwamba huenda wanawake watachaguliwa katika Bunge hili na wanaume wenzetu wapatikane kwamba ni wachache. Hawa pia watapata nafasi ya kuteuliwa, walemavu wakiwa miongoni mwa.

Ninachukua nafasi hii kumshukuru Rais, Naibu wake, Mheshimiwa Raila Amolo Odinga na Kalonzo Musyoka kwa kuamua kwa kauli moja kuwa mambo ya jinsia yakamilishwe na Bunge hili. Vile wengine wamesema, wengine wametoroka kwa sababu hawajui maana ya kusema tuwe na Mswada kama huu katika Bunge hili. Ni kwa sababu wengine wanafikiria kwamba wanawake wakichaguliwa katika nchi ya Kenya, watakuja kukalia hawa vichwani. Sio hivyo. Sisi kama akina mama, hata kwa nyumba zetu tukiwa na waume zetu hatuwakalii, tunakaa pamoja, tunasemesana na kupanga familia zetu vilivyo. Ninaamini kwamba hata katika uongozi, sisi pia tunakaa pamoja kama nyumba moja tukisemesana mambo yanayotuhusu kama familia.

Ninashukuru wenzangu ambao wamejikakamua hadi wamerudi hapa mara ya pili. Vile wamesema, matusi sio hapa tu. Vile wenzangu wanasema, matusi hata kule nje yako. Mimi ninakumbuka Mhe. Wanga wakati alitaka kuwa mwenyekiti wa ODM. Niliskia matusi ikitoka kwa wenzetu hapa wakisema huyu hawezi lakini ninaona ni mchapa kazi. Ninajua kwamba kuanzia hapo kusonga mbele, Mhe. Wanga atapata nafasi ya juu. Hata katika kanisa , zamani watu walikuwa wanaamini kwamba wahubiri lazima wawe watu wa kiume lakini wakati huu, hata sisi pia wanawake tunaweza kuwa wahubiri.

Ninaunga mkono na ninaomba wenzangu waunge mkono. Asante.

**The Temporary Deputy Speaker** (Hon. Patrick Mariru): Hon. Nakara Lodepe.

**Hon. Lodepe Nakara** (Turkana Central, ODM): Thank you, Hon. Temporary Deputy Speaker. I just want to add my voice on what already has been spoken. There is what we call legacy in leadership terms. Legacy is what you will be remembered for while you are on earth. We want this House to be remembered in history that in 2018, the 12<sup>th</sup> Parliament passed a Bill that changed the history of Turkana. We will be remembered after we have left. Our grandchildren will be told that when you are father or your mother was a Member of Parliament, they made this Bill come to reality which has balanced gender representation in this country.

As we are here, women are not just leaders in domestic matters; we are making a law that will make our women national and international leaders. When we talk about cooking food, that is nonsense. Women are equal to men. They can do what men can do. So, when we talk about leadership, do not refer to domestic things. We talk things that are national and international. We are making a law not because we want to see ladies do good things for us but because we want ladies who are going to stand when this nation is at crossroads and when this country needs them.

We are supporting this Bill not because of women but our children and grandchildren who will come after us. That is so that when we leave this place, we leave a legacy behind.

On the issue of respect to our counterparts, the ladies, we are equal when we are here; whether you were nominated or elected. You must have gone through a process. That is why you are in this House. We have to give respect to whoever is in this House. That is why we call it the august House. It is a respected House. Nobody can come here without doing something very important either in their party, nation, village or county. You will be here when you have done something very important. You have been recognised as a leader whether you are from a poor family or you have not gone far in your education. When you are here, there is something little that you have contributed to the community. That is why you have been recognised either by an elective post or nomination.

I have already spoken on the issue of future generations. For us to make a mark or pass the leadership baton to the generation that will come after us, these are the things that we need to do. We must apply our experiences, academics and values to the generations that are coming. That is so that when they come after us, they will say there were some leaders who made a way for us. We are not making these laws for us. We are passing them. As a leader, whenever you get into leadership you must be prepared to leave. You must have an exit strategy so that whoever comes after you will say there was a leader here who made these things happen.

With those few remarks, I support this Bill because of my four daughters who are at home and in the university. When they come here, they will say that our father was a Member of Parliament and he passed a law that has made us come here – whether by nomination or election. They will remember me.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Mbai Mbithuka, Member for Kitui East

**Hon. Nimrod Mbai** (Kitui East, JP): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to make my contribution to this Bill. It is this House which makes laws. Our Constitution provides for the two-thirds gender rule. The only place that the people of Kenya can get justice on the two-thirds gender rule is through the amendment of the Constitution. We have an opportunity to amend that Constitution.

Putting all the conditions on the table for us to attain the two-thirds gender rule in this House, we have several options. One of the options is what we are debating—having several extra nominated sisters, mothers and women in this House.

The other option is to reduce the number of men in the House so that the number of women can be balanced with a smaller number of men. I know most of us would not want to go by that option of reducing the number of men. That would mean reducing the number of nominated men, including the disabled and youth. This is not an option. The other option would be putting in some special constituencies only for women. For example, we can say Kitui East where I represent will only have a woman elected. This will not be constitutional. The only constitutional way to go about it is by what is before us; getting an extra number of ladies nominated to achieve the two-thirds gender rule in the House. This brings me to the point of supporting this very logical idea. We have two supreme doctrines in our country and the world. One of the doctrines is the Constitution of Kenya. It is the doctrine that has provided this option. We should adhere to it as law abiding citizens. So, we should support it. The other doctrine is the Bible. If you read the book of Genesis, Chapter 2:18 it shows us that God saw that it was not good for man to be alone. When God saw that it was not good for man to be alone, he never made another man for the man. He made a woman for the man. The only way to balance the

number of men in this House is to bring extra women. That will be in agreement with what our Lord showed us in the book of Genesis when he made man.

Just the other day we were discussing about the medical cover for us and for our families. I was shocked to see a Member who was suggesting to have several wives put under his medical cover.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Mithuka, you are going beyond what was discussed in that forum. The meaning of *Kamkunji* is that whatever is discussed in a *Kamkunji* is sealed. Kindly refrain from that. You were proceeding well before that.

**Hon. Nimrod Mbai** (Kitui East, JP): Thank you, Hon. Temporary Deputy Speaker for the red button. Given an option, if in the membership of this House there were alternates, let us say if I was not in I would be given an opportunity to get another Kenyan to sit in for me, all the men in this House would opt for a woman to sit in for them. If I were given an opportunity on the day that I would not be in Parliament for somebody in my constituency to come and represent me, a majority of the Members would choose women. That means having more women in positions is a point that men trust. We have no reasons not to support this Bill in the 21<sup>st</sup> Century.

With the few remarks, I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, Hon. Mithuka. We shall have Hon. Okuome.

**Hon. Adipo Okuome** (Karachuonyo, ODM): Thank you Hon. Temporary Deputy Speaker for giving me the opportunity. Let me state right away that I support the Bill. Probably, I am persuaded to support it right away because of the background I come from.

There was a lady who was very powerful in my constituency; much more powerful than men. The men who tried to stand against her failed miserably. That tells me that even the ladies we are talking about in other constituencies, it would be different if it was Karachuonyo we are talking about. I would have told them straightaway that I cannot support the Motion because everything is going on well with us. If I was to extend beyond my constituency, I would go to my county. Homa Bay County where I come from has eight constituencies. The single member constituencies have three elected women out of eight. That is 37.5 per cent. We are above the mark that we are talking about here. With that background, how can I say that I do not support the Bill?

If I throw my mind back to the past in Kenya, I must say that we had 16 elected women in 2013 in Parliament. The number grew to 23 last year. That tells us that ladies are coming up. We can talk of the speed and say it is too slow. Why should the speed be too slow? I am told a number of the ladies are saying that the process is unfair to them. It is violent, abusive and it has all the negativities you can imagine.

If that is true, I can only say that we have weaker laws because they are allowing that. If it is not allowing that, then we are not implementing the law which forbids that kind of thing. If it is a question of economic ability that ladies do not have money, then we should have a limitation on what can be spent on elections. These days people give money direct, and yet we talk of corruption, I do not know what corruption is if this is not. We do not want to be disadvantaged because of...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Okuome, you are making a statement that people just give money during campaigns. You know that, that is an offence. You seem to be speaking from a position of authority on this one. Are you sure you want to have that on record?

**Hon. Adipo Okuome** (Karachuonyo, ODM): I understand but I was saying this because ladies are complaining that the system is against them either because of their economic inability or because of violence. That probably is responsible for the small number we are getting in terms of women representation in Parliament. We also need to examine these things to know why we cannot achieve the number we are targeting. Otherwise, I support the Bill but women must also work hard to catch up on their own. We are not going to have this amendment lasting forever.

Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very well, the Hon. Member for Ijara.

**Hon. (Ms.) Sophia Noor** (Ijara, PDR): Thank you so much, Hon. Temporary Deputy Speaker for giving me this chance to contribute to this very important constitutional amendment Bill. Being one of the framers of the Constitution and being a person who has been involved in the constitutional debate from the Bomas time to being a Member of the consensus building team, I know we have stayed overnight to discuss these important matters and we negotiated in hard terms. I want to thank the 27-member committee that sat in Naivasha that helped us get the 47 slots for the women representatives and who in their wisdom put the two-thirds principle in the Constitution. I want to thank Kenyans who supported and voted for the Constitution without any reservations. Today is a great day. It is a defining moment for this country and for this honourable House that we are deciding to support this as a House, to get an all inclusive country that can move forward. Today presents itself another opportunity for this honourable House to be governed by rule of law and not to be selective and picking what is relevant for themselves but to decide to support a constitutional principle that is in the Constitution; a Constitution that we dearly love; a Constitution that we swore by and said that we will defend, protect and stand by it. For us to be honest as a House, we need to make it a realisation of protecting that Constitution.

Being a woman or a man is a matter of birth. But being a woman or a man who makes a difference is a matter of choice. As people who are elected to make a difference in lives of the communities, we must make that difference and that is the time we will be known to be men and women who want to serve this nation and who want to make a difference in our country.

Hon. Members, we have a responsibility. There are people who are saying that we will not be dissolved as a House because that is cheap propaganda. It is not cheap propaganda. This House as it is today is unconstitutional. Being one of the framers of this Constitution and having struggled for 20 years to be elected into this House, I will not feel comfortable to be seated in a House that is not constitutionally in order. I am one honest person who has sworn with the Quran saying that I am protecting the Constitution. I want to be honest to the Constitution and I am telling the Hon. Members, particularly my brothers who have supported and have shown keen interest in this debate, thank you very much. We are asking our brothers and sisters who are not with us to go together with us because it is the desire of this country.

As I conclude, I want to say never give up. Yesterday was hard, yesterday may be worse but tomorrow we will shine as a country when we stand together and support something we believe in. There are many men and women who wanted...

*(Several Hon. Members raised their hands)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, you do not have to lift your hands, your names are right here. From the word go, the Speaker said there is a lot of interest in this. Let us proceed nicely; we shall all have an opportunity to say something to this Bill.

I heard some grumbling when I gave two opportunities to men to speak. It reminded me of the wisdom from my village where they said that the brewer should not get drunk on his own beer. I thought it would be much better if more male Members were to speak and support this Bill. That is why I was giving them that opportunity. However, we shall proceed.

Hon. Rozaah Buyu, Member for Kisumu.

**Hon. (Ms.) Rozaah Buyu** (Kisumu CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me this opportunity to support this Constitution of Kenya (Amendment) Bill, 2018. For a long time I have been in the trenches fighting or campaigning to ensure that the principle of the two-thirds gender rule is effected. That has always been from the outside. Today, I am highly privileged to sit in this House where legislation is actually made to ensure that this Bill becomes operationalised. Without fear of contradiction, I would also like to take responsibility, like all the people who were always fighting from the outside, for misperception on this Bill. While we were outside there, all our demonstrations were led by women. It was always the women's voices that were being heard. We did alienate the men in that pursuit and that highly contributed to this misperception that this Bill is just about women. Today, I stand here speaking as the Vice Chair of Kenya Women Parliamentary Association (KEWOPA) and I am highly impressed by the number of the male MPs who spoke yesterday and today in support of this Bill. This clearly shows that this Bill is not about women or girls but it is about Kenya and advancing the development of Kenya with participation on legislation and governance by both sexes of men and women.

As I look at this Bill, my mind goes back to the theory of Oedipus complex which clearly states that men have a special bond with their daughters and women have a special bond with their sons. I watch my male colleagues in this House striving to give the best to their daughters in terms of education, healthcare and holding high aspirations for them hoping that they will live to their fullest potential. This Bill comes to hold their hand and to caution any gender which might not reach their full potential because of some barricades or artificial blockages put on their way.

This Bill will ensure that Kenya moves forward together with both men and women. Equality is a principle that is addressed throughout our Constitution. When it is acknowledged that there are loopholes in equality in whatever sector or segment of our country or lives, the Constitution comes with affirmative action. In mind, I have the equalisation fund. It truly recognised that not all parts of Kenya have developed to the same level.

The Constitution then comes with an affirmative action to ensure that even those regions that have not developed as well as the others are pulled up so that they can get to the level that is similar to the other regions. This is a form of affirmative action. Looking at the Kenya Certificate of Primary Education (KCPE) released yesterday, we saw affirmative action actually works.

For a long time we have had debate about the girl-child being disfranchised because they do not have equal opportunities with the male-child. Not because they do not go through the same education system, have the same teachers or there are schools left for girls only, but because girls from the age of 13 undergo the natural process of menstruation. During menstruation girls from the rural areas or vulnerable families do not go to school during such a process because of lack of good protection. When they lose five days in a month which actually



totals to 45 days in a year, if you calculate the number of months a girl-child in Form One to Form Four will miss school it comes to...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Yes, Hon. Rozaah Buyu, very eloquently delivered, well spoken and convincing debate that we have affirmative action in other areas. It is important for those who climb the ladder to hold it in place for the others who might not be as fast to also get to the top of the tree to enjoy the fruit. We shall have contribution from Hon. Wanjiku, Member for Laikipia.

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Asante sana, Mhe. Naibu Spika wa Muda.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Before you proceed, who is that gentleman with a scarf on his head? Is that Hon. Nyamita, he is in support. You have caught the attention of the Speaker, you will have an opportunity to speak. Hon. Waruguru, kindly proceed.

**Hon. (Ms.) Catherine Waruguru** (Laikipia CWR, JP): Naomba kuzungumza kwa lugha ya Kiswahili nikiungana na Wabunge ambao wamezungumza mbele yangu. Mmoja wao Mhe. Mishi Mboko ambaye alisema wamama wetu hata wale ambao hawakuingia darasani ni Wakenya, wanalipa ushuru na pia tunatembea katika hii safari pamoja na wao.

Niruhusu kwa njia ya kipekee niseme asante kwa Mhe. Aden Duale na uongozi wa hii nyumba ya kitaifa. Pia kwa Mhe. Rais Uhuru Muigai Kenyatta kwa kukubaliana na sisi, na kuomba Wakenya wote wakubaliane na huu mwito wa *Two-Third Gender Bill*, umefika wakati wa kutekelezwa. Natuma asante zangu pia kwa *Deputy President*, Mhe. Raila Odinga, Mhe. Kalonzo Musyoka, Mhe. Mudavadi na Mhe. Wetangula pamoja na Wizara ya *Gender* ambao wamesimama na sisi. Pia washikadau wengine ambao wametoa rasilimali zao, wamama na viongozi wa kiume ambao wamesimama na sisi kwa kutayarisha huu Mswada ndio ufike hapa.

Pia niruhusu niseme kwa njia ya kipekee kwamba Wakenya wako na matarajio mengi sana katika hii Bunge ya 12. Nikisema hivyo, najua Wabunge ni wanasiasa. Wanajua zile changamoto ambazo sisi kama viogzi tunapitia. Moja yake ni *propaganda* ambazo hutumiwa kupiga jambo lolote ambalo Wakenya hukubaliana nalo. Lakini, niruhusu tu ni kumbushe wananchi wa Kenya kwamba Mhe. Mwai Kibaki, zile enzi wakiwa na Mhe. Raila Amollo Odinga wakati alikuwa Waziri Mkuu, waliweza kutembea katika sehemu zote za Kenya wakiuliza Wakenya watoke kwa idadi kuu kupiga kura ya Katiba ya mwaka 2010 na wakafanya hivyo. Hii ndiyo iliweza kutupatia jambo hili ambalo tunazungumzia la thuluthi mbili.

Hii thuluthi mbili si ya akina mama peke yao ni ya jinsia zote. Hii imekuwa safari ambayo mwaka mmoja uliopita Bunge la Taifa tulijiahidi kwamba tutaweza kutekeleze huu mjadala na pia kutunga sheria lakini haijawezekana. Tunavyoongea katika mkono ule mwingine wa Serikali ambao tunaita mahakama wako na matarajio na sisi. Tukifanya hivyo, tutaokoa pesa ambazo zinaweza kutumika kwa sababu ya mambo ambayo yanaafikiana na kutotii sheria na Katiba ambayo kila mmoja wetu aliapa na kusema atailinda, ataihifadhi na kuitunza. Na tuliapa kwa Quran na Bibilia.

Nazidi kuomba ndugu zetu wanaume na pia wamama kwamba wiki ijayo tutoke kwa idadi kuu manaake tumeongea na mimi najua yule ambaye alitilia maanani lile jambo ambalo tumezungumza siku ya leo. Hakuna kitu kingine kimebaki kwetu kufanya ila kuwaomba tutoke kwa idadi kuu. Nimeona kwa mtandao Mbunge dada yangu Mhe. Gathoni wa Muchomba, Gladys Wangana na mimi kama tumechorwa sura maridadi lakini mdomo ni wa yule mnyama anaitwa nguruwe. Wabunge wanaitwa *Mpigs*, sijui kama ni jina la Mpesa walikosea.

Lakini tunaitwa hivi kwa sababu tunapigania ile thuluthi mbili. Serikali zetu za ugatuzi zimeafikiana na hii thuluthi mbili na zinatimia rasilimali kuu. Tunauliza Wakenya kwa njia ya heshima waturuhusu kwa mara ya kwanza tuweze kuafikiana na Katiba ya kwamba hakutakuwa jinsia moja ambayo itakuwa zaidi ya thuluthi mbili bila kuweka wengine ndani. Nasema hivyo kama mama, najua kuna Wabunge wanaume, vijana na walemavu. Naomba sisi wote tutembe pamoja. Maanake Mungu alipomuumba Adamu aliumba hata mama. Mama alitolewa kwa mbavu, hakutolewa kichwani. Lakini mama akawa *improvement*, kama ile tunaita *improved smart phone*. Mama amewekwa *GB* ile iko juu. Sisi tunataka kuwa *memory* ya ile maafikiano tuli afikiana na Wakenya...

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wanjiku, it is your contribution that the woman is a fortified and better version of the original creation. Let us have contribution from Hon. Obara Akinyi, Member for Kabondo Kasipul.

**Hon. (Ms.) Eve Obara** (Kabondo Kasipul, ODM): Thank you very much, Hon. Temporary Deputy Speaker. I stand today to add my voice in support of the Bill. There has been word going around the country of late with a lot of half-truths and I am happy that as of yesterday, a lot of this had been clarified.

First and foremost, let me say that this issue of the two-thirds gender rule is not about women. It is about inclusivity, fairness, equity and also leaving no one behind. The people of Kenya spoke many years back and they said that they needed to have at least not more than two-thirds of any gender in position of leadership. It has taken a long time from 2010 to date. We are aware that Parliament has attempted two times to pass this Bill but it has failed. We are aware too that the Supreme Court has proclaimed itself and said that Parliament as it is, is not properly constituted and has given this House an opportunity to correct this gap.

We are the House that makes laws and we know that the Constitution is supreme. What reason would we give to the Kenyans, who we represent in this House, for not passing this Bill this time? If there is anything that we should be remembered for, I think this should be our legacy as the 12<sup>th</sup> Parliament. We have seen the numbers. It is no longer the 50s and the 100s that have been flying around. It is only 21. We have also seen the resultant figures in case of the financial implication and these two can be accommodated within the budget of Parliament through reallocation or even a simple Supplementary Budget. We have seen that it is Kshs282 million per year. I am not saying that this is little money. I am saying that this is money that we can afford to accommodate to be able to bring in the women in this case. Tomorrow it may be the men.

Kenya has been a trailblazer and this is a reality. Unfortunately, today on this matter, we are trailing behind in the region. Uganda, Rwanda and Tanzania are now way ahead of us and yet we had powerhouses and women like Mama Phoebe Asiyo, Grace Ogot and Chelegat Mutai. They were all here in this House and yet it is something that is within our control. It has been said here that the mechanism is not quite right. One reason that is being floated around is how the people will be nominated. If this is the only reason, then this is something, as I have said, that is within our control. We can put the mechanism in place where fairness, as we are always known for as women, will prevail. Those who sit as nominees in this House will surely and truly deserve as they have. Even from the ones that have been nominated before, we have seen what they have been able to do. I want to say that when women come in, I believe that many more will be elected through the ballot because the impact that they are going to leave behind will be remembered for a long time. Watch this space. The 23 will turn to 30 or even 40. Thank you very much.

Hon. Temporary Deputy Speaker, I support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We shall keep our eye on this space. Next is Hon. Chepkoech Joyce, Member for Bomet. Hon. Nyamita, you are actually the very last Member who walked in. So, even if we were to go the gender way, you will not be having the first bite at the apple. Hon. Joyce, proceed.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Temporary Deputy Speaker for giving me this chance. Before I talk on the Bill, I must give special thanks to His Excellency the President, the Deputy President, the Right Honourable Raila Odinga, Kalonzo Musyoka and the entire leadership of this House and also the ministry for this wonderful Bill that is on the Floor of this House today. I also congratulate the Hon. Members of this House, especially the male Hon. Members, for supporting the gender Bill. I also congratulate the women Hon. Members in this House.

I echo the sentiments that have been made by my colleagues that the gender Bill is not about the women but it is about both women and the men. There is notion that gender is specifically the women. We have a number of countries that have really fought for this gender Bill. One of them is Rwanda. We have Cuba, Sweden, Senegal, Namibia, Spain, Ethiopia, Germany, among others. Rwanda is on the lead with 64 per cent women in Parliament. Today, I bring a reality in this House that if we were discussing the gender Bill on the side of more women in this Parliament and few men, a number of men would have been in this House. The reason as to why I am saying this is there is a notion that we are fighting as women to have more women nominated. I want to say that we are equal to the task and I can confirm to this House that we have a number of women who have fought for several elective seats ranging from that of governor, president, senate and Members of Parliament, Members of County Assembly, ministerial, among other positions. As we speak today, I also confirm to this House that although we stand today as women in this House, personally, I am not fighting to be nominated or for any favours, but we want this Bill to be passed so that at least both genders can have a position in terms of representation. I want to quote one Mathew Henry who said:

“The woman was made of a rib out of the side of Adam; not made out of his head to rule over him...”

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Joyce, I will grant you 30 seconds to finish that quote.

**Hon. (Ms.) Joyce Korir** (Bomet CWR, JP): Thank you very much, Hon. Temporary Deputy Speaker. The quote says:

“The woman was made of a rib out of the side of Adam; not made out of his head to rule over him, nor out of his feet to be trampled upon by him, but out of his side to be equal with him, under his arm to be protected, and near his heart to be beloved...” We are not requesting for this gender Bill to overpower our men but to be equal in terms of representation.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Your time is up. Let us have Hon. Oyula Maero, Member for Butula.

**Hon. Joseph Oyula** (Butula, ODM): Thank you, Hon. Temporary Deputy Speaker, for giving me this opportunity to also contribute to this important Bill. This is a constitutional amendment Bill which is long overdue. When we entered this Parliament on the first day, we all swore to defend the Constitution. Parliament was constituted unconstitutionally. Therefore, taking that into account, it was important that this amendment Bill be brought to Parliament to correct the situation. We are trying to uphold our promise to defend the Constitution by ensuring that this House is properly constituted. It does not matter whether someone is persuaded or not.

The position is that this House is not properly constituted. There is no shortcut for any Member. Every Member must realise that and ensure the situation is corrected and we get back on track.

Women have been disadvantaged for a long time. It is high time we ensured that women also take their true position. Equality is enshrined in our Constitution. Therefore, we must ensure that that equality is not only heard but is seen in reality. This amendment Bill will correct the situation. The 12<sup>th</sup> Parliament will be remembered for correcting the situation in the House. All the Members of this House have no choice but to support this Bill and make sure that the Constitution is followed to the letter. We must make sure that the number of women is as per the requirements. Therefore, this two-thirds gender rule must be properly looked into and the Bill supported.

With those few remarks, I support this Bill and encourage all the Members to support it and make sure that we do not operate against the Constitution.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Let us have Hon. Tobiko Pesi, Member for Kajiado East. She does not desire to be present. That opportunity will now pass on to Hon. Wanga Nyasuna, Member for Homa Bay.

**Hon. (Ms.) Gladys Wanga** (Homa Bay CWR, ODM): Thank you very much, Hon. Temporary Deputy Speaker for this opportunity to add my voice to this historic Bill. The 12<sup>th</sup> Parliament has an opportunity to make history. When we attempted to pass this Bill in the 11<sup>th</sup> Parliament, there was a lot of work that was put in. There was a lot of input. We missed it by a whisker. This is an opportunity that can be seized by the 12<sup>th</sup> Parliament so that it makes history as the Parliament that actualised the two-thirds gender rule.

I would like to thank the Leader of the Majority Party, the Leader of the Minority Party, the Ministry of Public Service, Youth and Gender Affairs, the Cabinet Secretary and KEWOPA for the very hard work that has been put into bringing this Bill to where it is at this moment.

Not everything that we passed in our Constitution is popular. In fact, not everything we do as leaders is popular. This is one of those Bills where the public is torn between spending more money or bringing in more people. We already passed it in Article 81 of the Constitution. It must be implemented. We do not have a choice.

I would also like to note that, as has been said by many powerful speakers before me, there has been a lot of concern as to how the spaces we are creating in the Constitution will be filled. In the last Parliament, this constitutional amendment Bill was accompanied by a legislation. That legislation prescribed what would be done. What is good about a legislation accompanying the constitutional Bill is that even though you cannot amend a constitutional Bill on the Floor of the House like Hon. Sankok or Hon. Didmus Barasa were suggesting, you can amend a legislation. Legislation is something we can thrash out, work on and agree on who we are bringing and how we are bringing them. The Constitution has already prescribed that we are bringing them and how many they are. I hope we will be working. Some Members have said that they will bring legislation but I hope the Departmental Committee on Justice and Legal Affairs will originate legislation to work on the how once we have the Bill. If we had brought the Bill on the how before we have this constitutional amendment Bill, it would be like we are counting our chicks before they hatch. That is very important.

There has been worry that if we create those positions, women will be sitting back and waiting for nominations. There is no day that women will sit back and wait for nominations. We have had nomination slots in the Constitution. Women have still worked. In the last election, there was no female Senator yet there were 16 nomination slots awaiting them. Women did not

sit back. This time we have three elected senators and three elected governors. We have moved from 16 to 23. I see us meeting this gender parity even before the 20 years that have been set.

Women will be out there rolling up their sleeves as we push them through affirmative action. Many male Members and even men outside have made the argument that we have trained our daughters and taught them to work for their space. We have taught them not to sit back for freebies. Women are working hard. Even the women who have come here on affirmative action like me and others who have been nominated work very hard. Sometimes, the odds are way against you.

For example, when Hon. Cecily Mbarire runs in Runyenjes or Embu County she is told to go and run in Busia where she is married. When Wanga who has come from Kisumu and is married in Homa Bay runs there, she is told to go back to Kisumu and run there. You are doomed if you do, doomed if you do not. If you are married you are bad, if you are single you are bad, if you are divorced it is worse, if you are a widow it is even worse. Those are the challenges that women face. That is why however hard our parents trained us, sometimes you are unable to hack. This is why we need affirmative action.

With those many remarks - I see the light is red - I support this Bill unequivocally.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Wanga, you are very passionate. But I also seem to recall that some of the male candidates are sometimes also told that if they are not married, they are not ready for leadership.

Let us have Hon. Ngirici Wangui, Member for Kirinyaga.

**Hon. (Ms.) Purity Ngirici** (Kirinyaga CWR, JP): Thank you, Hon. Temporary Deputy Speaker. I wish to take this opportunity to thank God Almighty, Elo him, Allah for giving me this golden opportunity to be in the 12<sup>th</sup> Parliament august House during this very historic time when we will pass the constitutional amendment Bill that was tabled by our very able Leader of the Majority Party.

As the Chair of KEWOPA, I wish to express my gratitude and appreciation to our President, His Excellency Uhuru Muigai Kenyatta, Deputy President, former Prime Minister, Hon. Raila Odinga, Hon. Kalonzo Musyoka, Hon. Mudavadi and Hon. Wetangula for their unqualified support to this Bill.

When this Bill is passed, a girl in Kirinyaga County somewhere who never thought that she would sit in the august House will be sitting here one day because of what we shall have done as Members of this House. I am so thankful to all Members and even the leadership of this House for letting this be something that will happen during our lifetime. According to Ms. Sara Longwe who is an expert in gender and development, empowerment means that everyone irrespective of gender has equal power to influence their destiny and the society. You realise that when some Members are nominated, it does not mean that Parliament is the end of the game. As I will demonstrate, some of them were here in this Parliament but it was a stepping stone that catapulted them to bigger things like Hon. Njoki Ndung'u, His Excellency Uhuru Muigai Kenyatta and our very own Chief Administrative Secretary (CAS), Hon. Rachel Shebesh. All of them are products of having been nominated. They went through Parliament which I believe is a process of teaching us to become good in articulation and legislative process.

When we use Parliament as a spring board, I believe girls who have never discovered their power or momentum will come through this Parliament and will achieve things that they may never have achieved. We think of our families, talk of our own children and do so much for them to achieve their goals. When I look at the male Members of Parliament and how much they are willing to go through for their families, then I believe we are all advocates of gender.

Our country is a signatory to so many treaties and agreements on gender issues. Kenya should not be lagging behind because of not having passed the gender rule. I have been privileged to go to the Commission on Status of Women (CSW) in New York where Kenya has always been represented for almost 15 years and promised that we would come back as a well composed august House. However, these have only been promises. I will be happy to report in the next CSW that we have attained the two-thirds gender principle. A country like Kenya runs on two engines like an aeroplane. If we have to reach our destination, then I believe this is the time for us to go through this and pass it as soon as possible, so that Kenya will have achieved and attained what all our neighbours have attained. After all, Kenya has achieved so much and we are a leading democracy in Africa. We are also among the leading countries with rapid development and economic growth. We need to enact this 2018 Bill without any more delay, noting that we are even outside the limits given by the Supreme Court which was up to August 2015.

With those few remarks, Hon. Temporary Deputy Speaker, I beg to support.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Very good contribution, Hon. Wangui. We shall have contribution from Hon. Hassan Juma, Member for Kwale.

**Hon. (Ms.) Zuleikha Hassan** (Kwale CWR, ODM): Thank you very much, Hon. Temporary Deputy Speaker, for this opportunity. I stand to support this Bill because as many Members have said, having gender parity within our Parliament will definitely bring progress to our country because of representation of the population of the country. I always use the example of families. At the family level, a simple meeting or hosting of visitors cannot be done without the women of the family being consulted. A wedding or funeral cannot be done or be successful without women being involved in decision-making for the event. So, how about a nation? A country definitely cannot develop or move forward or be successful without women contributing to the legislation and development in general of the country.

On complaints against the Bill, some have said that there is a danger that nominated Members, who are expected to be mostly women, will not be properly nominated or chosen by their parties. If political parties do not nominate properly, there is also an equal danger for the parties that do that to also choose constituency leaders in a way that is not fair. What stops a party from giving a ticket to somebody unfairly to stand for election for a constituency seat? That point does not hold any water.

In addition, I would like to say like some other Members who have spoken and who had previously been nominated that I was elected by my party to be part of the party organs in 2008 and I became the deputy chair for the youth for my party, Orange Democratic Movement (ODM). In 2011, I was chosen as the national youth coordinator for the same party. Because of the work I did for my party in 2013, I was nominated to Parliament to represent young people. That platform definitely assisted me and in 2017, I ran for the Kwale County Women Representative seat of which I now occupy.

Nomination is not just a freebie. Our current President, Uhuru Kenyatta, was a nominated Member of Parliament in his first term in 2001. After that, in 2002, he ran for a constituency seat and succeeded. His political successes have been seen and he is now the President of the country. So, nomination does not give a platform to women only to progress politically and contribute to the progress of the country, but it also does the same to men as well. The President is a very good example of how nomination can propel you in politics.

I support the other Members that have said that this is part of the Constitution. Let us show Kenyans and the world that Members of Parliament of the 12<sup>th</sup> Parliament are law abiding citizens and respect their Constitution by passing the Bill when it comes for voting.

There is another complaint that has been alluded to by Members that it is going to cost the taxpayers some money by adding Members to this Parliament. The truth is that we lose more than Kshs600 billion annually to corruption and adding Kshs200 million is not going to be expensive. Our expense is not going to be negative. In fact, making sure we have the gender ratio that we need in Parliament will increase prosperity in our country. Thank you.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Hulufu Oda, Member for Isiolo North.

**Hon. Hassan Hulufu** (Isiolo North, KPP): Thank you, Hon. Temporary Deputy Speaker. I would like at the outset to support this constitutional amendment Bill. The proposed amendment is actually something which ought to have been done before today. It is unfortunate that past attempts by this House during the 11<sup>th</sup> Parliament did not succeed. My only hope is that the passion we have shown in supporting this Bill will enable us to mobilise enough numbers and ensure that the amendment is passed so that we can confirm that we abide by and live by what we said when we were sworn in as Members of Parliament to protect the Constitution of Kenya. As it is now, both Houses of Parliament are unconstitutional because the two-thirds gender principle is not attained. But we also need to appreciate that there has been progress. If you look at the number of our female colleagues who were elected from constituencies in 2013 and compare it with those who got elected in 2017, we have made some significant progress. I am hopeful that come 2022, we shall have more women being elected from constituencies so that the number we require to fill gender gap becomes smaller.

It is unfortunate that a lot of propaganda is going on out there indicating that what is being proposed is going to be a burden to taxpayers. It is unfortunate. There is no truth in it. The value that we are going to get by nominating extra women after election to ensure that we attain the gender principle is more than the cost that is going to be incurred as a country. Our women have proven themselves as effective leaders at all levels from local, national to global levels. I would like to remind Kenyans that the late Wangari Maathai made us proud by being the first woman winner of Nobel Prize from this continent. Most of the women who were nominated in the past have gone on after proving themselves to be effective leaders to seek elective positions. We have many female colleagues in this House who were nominated competitively. They have proven themselves after nomination. They have gone for elective positions as women representatives, as constituency MPs and as senators. That also indicates to us that although there is concern about the process used to nominate some Members, most of the times parties pick individuals who will add value to debate in this House.

Parliament is the arm of Government that makes policies and legislation. When we have more women – at least 30 per cent as required by the Constitution – it will be merrier for the country. It will add value in terms of what the women bring in. Having more women in decision-making process has been proven to make the decision-making process more inclusive and more responsive to needs of all sectors of our society.

I would like to allay fears expressed by those who are against this Bill, the party leaders, especially of dominant parties, and urge them to seriously consider supporting women who come out to compete for constituency seats. I am sure that way, most of the things that our women are exposed to like violence, abuses and so on will be less. I am sure given a level playing ground, women can outcompete most male candidates.

With those remarks, I support the proposed amendments.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Member for Siaya.

**Hon. (Dr.) Christine Ombaka** (Siaya CWR, ODM): Thank you, Hon. Temporary Deputy Speaker, for this opportunity. I want to support this Bill because it is a good one. It engenders politics and ensures that both men and women are in this House on equal terms.

It also puts controls so that we do not have a particular gender that dominates representation in this House. I know men dominate right now because they are more than women. That is what we are trying to engender. We are trying to ensure that women are also present here. If you look at the history of this country politically, it started with one woman. It is in 1969 when Grace Onyango was the first woman to be elected. It has been many years since. With time, women have come on board. We are talking of 76 in this House today. It is quite a big progress but with a huge challenge before us. Women have struggled but the challenges are still there. The challenge will be finished or will be set aside once this law is implemented. We tried this law in the last Parliament and it failed despite the fact that our political leaders were there. I remember our political leader, Hon. Raila Odinga, was sitting up there. It still failed. It has failed several times. Let us make sure it does not this time round. It is because the Bill simply sensitises the society that women have a space and opportunities just like men. You will see that the entire society is going to be gender sensitive once this Bill is passed. You are going to see a situation where they will think of men and women on equal terms on anything that happens. That is where we are moving towards. That is what gender equality is all about. We need to have this equality all through, not only in politics but also in other spheres of development.

Whenever names come in this House for approval, especially after they have been vetted, we always go through and ensure there is a woman. That already indicates there is gender sensitivity that is already starting to germinate. Once the law is made, it is even going to be much better than ever before. When you look at KCPE results, there was a young boy and a young girl. They were both with almost the same marks; 453, I think that is what I remember seeing. So, women are struggling, they are trying. We must also think of the future. The future is such that anything can happen to the women and men. Even men may be one day so few in Parliament. This law is going to be useful to them. So, we are putting in a law that is cutting both ways. It is a law that is going to support women to come into this House. It is also going to support men who are today enjoying the majority in this House. When time comes when they will be fewer, the law is going to work for them. I think it is a good law that is going to support both men and women. It is also going to sensitise the entire country that anything we do must streamline gender in whatever we do. We must sensitise the world and make sure women are not left behind. We must make sure that women, people with disability and people who come from minority communities are represented. Representation is very critical. A society that does not give a chance to women is a dead one. It is a society that is collapsing. You must ensure that women are on board all the time. To me, we are making a big history to ensure that both genders are going to be represented here on equal terms.

Thank you. I support the Bill.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): The Hon. Tobiko Pesi, Member for Kajiado East.

**Hon. (Ms.) Peris Tobiko** (Kajiado East, JP): Thank you, Hon. Temporary Deputy Speaker. I was rising on Standing Order No.95 to ask that the Mover be called to reply. I want to apologise profusely for being out of the Chamber by the time you called me. I am also requesting



that my other colleagues who have not spoken be satisfied that the rest who have spoken have done justice to the debate. Thank you, Hon. Temporary Deputy Speaker.

I ask for the Mover to be called to reply.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): What is out of order, Leader of the Majority Party?

**Hon. Aden Duale** (Garissa Township, JP): Because you have two minutes and we will allow the Mover to come after about four or five minutes. There are Members who have been sitting here. Let him give them a chance. Hon. Wamuchomba is one of them. Just two minutes will be enough. When it is four minutes to, we can allow Hon. Cecily Mbarire to make her contribution.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Leader of the Majority Party, you are actually out of order.

*(Laughter)*

*(Question, that the mover be called to reply put and negatived)*

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): We shall continue with debate on this. We shall have Hon. Sitienei, Jepkemboi, Member for Turbo.

**Hon. (Ms.) Janet Sitienei** (Turbo, Independent): Thank you, Hon. Temporary Deputy Speaker. I was getting disappointed that I will not put my voice in this Bill. Thank you very much for giving me this opportunity to add my voice to more than 60 Members that have spoken to this Bill.

First of all, I would like to thank the Leader of the Majority Party for bringing this Bill that we so need so that we can be able to conform to the two-third gender rule as provided for in Article 81(b) of our Constitution.

Kenya has complied with many constitutional principles and therefore there is no reason not to comply with the two-thirds gender rule. It will not be fair to leave this one behind because other principles have been conformed with. I also want to say that one of the reasons that we need to pass this Bill is, many women have been left behind in development process and in participation in decision-making for a long time and it is time that we passed this Bill so that our women can participate equally as the men. When this Bill is passed even those women that will be nominated will have an impetus to vie for elective positions and come in as elected Members. Those Members who feel that nominated Members have no place here, I want to tell them that women lag behind for reasons that you all know. Some of them are cultural others religions, others social and others economic. If we give them an opportunity by passing this Bill, we will empower them to participate fully in the processes of decision-making, developmental processes and others. There is no nation that can develop fully without one part of its people and those are the women that even form the majority of the population in the world and particularly in Kenya.

I wish to put my voice to this Bill and tell our dear men that during the making of the Constitution, all of us played a role. The women like Martha Karua, Hon. Millie and the rest of the men burnt the midnight oil to ensure that this Constitution was in place. So, it will be unfair not to pass this Bill just to curtail the achievement of the two-thirds gender rule. In the future generation, it could be the men that will be in this scenario and they will need the women to support them to pass a Bill like this. If we passed, this Bill will serve them when such a time comes. So, our dear men, I want to call upon you, let us come together, let us pass this Bill and

give an opportunity to the women of this nation, your brothers and sisters to be part of the leadership of this nation and to be part of the development process of this nation. I also want to mention some words which somebody said, that both engines must work in order for a plane to reach its destination. This therefore means that both men and women should play a role in the development of this nation.

Therefore, I want to call all Members to pass this Bill and ensure that everybody is included and is able to fully participate as provided for in Article 81 of the Constitution.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Muhanda, Member for Kakamega.

**Hon. (Ms.) Elsie Muhanda** (Kakamega CWR, ODM): Thank you, Hon. Temporary Deputy Speaker for giving me an opportunity to add my voice to this very important issue. When we look at *Wanjiku* and *Awinja* of Kenya we find that our women are not economically empowered, they have low levels of education. They are affected by Gender Based Violence (GBV) problems, child defilement, early school pregnancies, dependency syndrome and low self esteem.

Who is best articulated to look at these issues that are affecting the women of Kenya? Where I come from Kakamega I am the only elected woman MP. We have never had any elected woman MP in that region. So, I need more women in that region and everywhere in Kenya to help me look at these issues that our women are facing in Kenya. Women are the ones who form the human resource in Kenya. They are the backbone of the economy. The women are the ones who are looking at the Big Four Agenda. They are looking at food security, issues of universal care, manufacturing and also housing.

We need to help these women. We need to put our hands together and get more women to solve these problems that are affecting them. You will agree that the delay is not very easy for women in politics. In Kakamega I can remember one Teresa Shitaha stood to be elected as a MP and she was seriously ridiculed. That is just a case in point of the problems facing Kenyans. That is why we need to first start with nomination and then afterwards women rise to other seats.

As I finish, I want to say that in as much as we are looking at the two-thirds gender rule, we must also look at guidelines of nominating women. We should look at women who have stood to be elected and maybe they become number two so that they are nominated. These women have really struggled. Therefore, we need to look at the criteria of nominating women.

Thank you, Hon. Temporary Deputy Speaker.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nduati.

**Hon. Joseph Nduati** (Gatanga, JP): Thank you, Hon. Temporary Deputy Speaker, for giving me an opportunity to also make my contribution towards this Bill. From the outset, in my constituency we need more men. I want to demonstrate how. This Bill is not about women only but about gender, both men and women. I come from Murang'a County which is divided into Murang'a south and north. Murang'a South has Gatanga, Maragwa and Kandara. Kigumo is represented by Hon. Ruth Mwaniki. Kandara is represented by Hon. Alice Wahome.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nduati, sorry to disrupt you. I will have an opportunity to refresh your thoughts. The time is now 7.00 p.m. You will have four minutes when...

**Hon. Joseph Nduati** (Gatanga, JP): Give me one minute.

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Nduati, just hold your horses. You will have four minutes when this matter is again set down for consideration in the Order Paper. You will be the first one to have ago at it.

**ADJOURNMENT**

**The Temporary Deputy Speaker** (Hon. Christopher Omulele): Hon. Members, the time being 7.00 p.m., this House stands adjourned until Thursday, 22<sup>nd</sup> November 2018, at 9.30 a.m.

The House rose at 7.00 p.m.