



REPUBLIC OF KENYA

TWELFTH PARLIAMENT – (SECOND SESSION)

THE SENATE

VOTES AND PROCEEDINGS

THURSDAY, NOVEMBER 22, 2018 AT 2.30 PM

1. The Senate assembled at thirty minutes past Two O'clock.
2. The Proceedings were opened with prayer said by the Speaker.
3. **PAPER LAID**

The following Paper was laid on the Table of the Senate: -

Statement on the Business of the Senate for the week commencing Tuesday, 27th November, 2018.

4. **STATEMENTS**

a) Statement Pursuant to Standing Order No. 48 (1)

The Senator for Wajir County (Sen. (Dr.) Abdullahi Ibrahim, MP) sought a statement from the Standing Committee on Health regarding lack of medical supplies in Wajir County.

b) Statements Pursuant to Standing Order No. 51 (1) (b)

- i) The Chairperson of the Standing Committee on Devolution and Intergovernmental Relations (Sen. John Kinyua) issued a Statement relating to the activities of the Committee during the previous three months.
- ii) The Vice-Chairperson of the Standing Committee on Agriculture, Livestock and Fisheries (Sen. (Dr.) Lelegwe Ltumbesi) issued a Statement relating to the activities of the Committee during the previous three months.
- iii) The Chairperson of the Standing Committee on Education (Sen. (Dr.) Christopher Lang'at) issued a Statement relating to the activities of the Committee during the previous three months.
- iv) The Chairperson of the Standing Committee on Finance and Budget (Sen. Mahamud Mohamed) issued a Statement relating to the activities of the Committee during the previous three months.

c) Statement Pursuant to Standing Order No. 52 (1)

The Deputy Senate Majority Leader issued a statement regarding the business of the Senate for the week commencing Tuesday, 27th November, 2018.

5. MOTION - ZERO RATING OF DUTY AND EXEMPTION FROM V.A.T ON LOCALLY MANUFACTURED SANITARY TOWELS

Motion made and Question proposed;

THAT, WHEREAS Menstrual Health management among women and girls in Kenya has been a major issue particularly for the low-income earners with about 65% of women and girls in the country who can barely afford sanitary towels each month;

AWARE that many girls and women are severely affected during menstrual cycle and are not able to consistently attend and concentrate in class and school work leading to poor performance;

FURTHER AWARE that if not handled appropriately menstruation can cause infections of the urinary tract and pelvic inflammatory diseases as well as bad odour, soiled garments and embarrassment, ultimately leading to infringement on the girls' dignity and other health related complications;

COGNIZANT that Menstrual Health Management (MHeM) is a health as well as an education issue and therefore a critical developmental hindrance in Kenya with statistics indicating that one in ten adolescent girls miss school and eventually drop out of school due to menstruation-related issues;

RECOGNIZING menstrual hygiene and affordable access to menstrual hygiene products is inextricably linked to rights to health, sanitation, education and dignity among other rights;

NOTING that the Basic Education Act, No.14 of 2013 obligates the government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty;

CONCERNED that the cost of sanitary towels is too high and out of reach for many girls and women who are out of basic education institutions;

FURTHER CONCERNED that classifying and taxing raw materials for locally produced sanitary towels, as luxury items, is counter-productive to the government policies on enhancing the manufacturing sector and distribution of sanitary towels to schools;

NOW THEREFORE, the Senate resolves that the Government-

- a. Prioritises gender sensitive budgeting as a way of addressing issues affecting women and girls; specifically menstrual health matters.

- b. initiates measures to ensure zero rating of duty on raw materials used for locally manufactured sanitary towels and zero rating Value Added Tax (VAT) on locally manufactured sanitary towels, to ensure affordability for the many poor households in Kenya; and
- c. Advance further tax incentives to manufacturers for cheaper production of sanitary towels.

(Sen. Abshiro Halake, MP)

Debate arising;

And there being no other Senator wishing to contribute;

The Mover replied;

Before the Question was put, the Temporary Speaker (Sen. Judith Pareno) ruled, pursuant to Standing Order 79, that the Motion did not affect counties.

Question put and agreed to.

RESOLVED ACCORDINGLY

THAT, WHEREAS Menstrual Health management among women and girls in Kenya has been a major issue particularly for the low-income earners with about 65% of women and girls in the country who can barely afford sanitary towels each month;

AWARE that many girls and women are severely affected during menstrual cycle and are not able to consistently attend and concentrate in class and school work leading to poor performance;

FURTHER AWARE that if not handled appropriately menstruation can cause infections of the urinary tract and pelvic inflammatory diseases as well as bad odour, soiled garments and embarrassment, ultimately leading to infringement on the girls' dignity and other health related complications;

COGNIZANT that Menstrual Health Management (MHeM) is a health as well as an education issue and therefore a critical developmental hindrance in Kenya with statistics indicating that one in ten adolescent girls miss school and eventually drop out of school due to menstruation-related issues;

RECOGNIZING menstrual hygiene and affordable access to menstrual hygiene products is inextricably linked to rights to health, sanitation, education and dignity among other rights;

NOTING that the Basic Education Act, No.14 of 2013 obligates the government to provide free, sufficient and quality sanitary towels to every girl child registered and enrolled in a public basic education institution who has reached puberty;

CONCERNED that the cost of sanitary towels is too high and out of reach for many girls and women who are out of basic education institutions;

FURTHER CONCERNED that classifying and taxing raw materials for locally produced sanitary towels, as luxury items, is counter-productive to the government policies on enhancing the manufacturing sector and distribution of sanitary towels to schools;

NOW THEREFORE, the Senate resolves that the Government-

- a. Prioritises gender sensitive budgeting as a way of addressing issues affecting women and girls; specifically menstrual health matters.
 - b. initiates measures to ensure zero rating of duty on raw materials used for locally manufactured sanitary towels and zero rating Value Added Tax (VAT) on locally manufactured sanitary towels, to ensure affordability for the many poor households in Kenya; and
 - c. Advance further tax incentives to manufacturers for cheaper production of sanitary towels.
6. **MOTION – REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS ON FINANCIAL OPERATIONS OF THE KIAMBU, BUSIA, KWALE, TANA RIVER, TRANS NZOIA, NYANDARUA, MIGORI, KISUMU, SAMBURU, KERICHO, BOMET, BUNGOMA, GARISSA, ISIOLO, KITUI, LAMU, MAKUENI, MANDERA, MARSABIT, MERU, MOMBASA, NYAMIRA, TAITA TAVETA, UASIN GISHU, VIHIGA AND WAJIR COUNTY EXECUTIVES FOR THE FINANCIAL YEAR 2013/2014 (1ST JULY, 2013 – 30TH JUNE, 2014).**

(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on the inquiry into the Financial Operations of Kiambu, Busia, Kwale, Tana River, Trans Nzoia, Nyandarua, Migori, Kisumu, Samburu, Kericho, Bomet, Bungoma, Garissa, Isiolo, Kitui, Lamu, Makueni, Mandera, Marsabit, Meru, Mombasa, Nyamira, Taita Taveta, Uasin Gishu, Vihiga and Wajir County Executives for the Financial Year 2013/2014 (1st July, 2013 – 30th June, 2014), laid on the Table of the House on Wednesday, 14th November, 2018.

Order deferred.

7. **MOTION – FIDUCIARY RISK REPORT ON ISSUES RAISED BY THE AUDITOR GENERAL ON PUBLIC FINANCIAL MANAGEMENT BY COUNTY GOVERNMENTS**
(Chairperson, Sessional Committee on County Public Accounts and Investments)

THAT, this House adopts the Report of the Sessional Committee on County Public Accounts and Investments on Fiduciary Risk regarding issues raised by the Auditor General on public financial management by County Governments for Financial Years 2013/14 – 2015/16, laid on the Table of the House on Wednesday, 14th November, 2018.

Order deferred.

8. **MOTION - REPORT OF THE SIXTH ORDINARY SESSION OF THE FOURTH PAN-
AFRICAN PARLIAMENT.**

(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Report of the Sixth Ordinary Session of the Fourth Pan- African Parliament held in Midrand, South Africa, from 7th to 18th May, 2018, laid on the Table of the House on Tuesday, 24th July, 2018.

Order deferred.

9. **MOTION - REPORT OF THE 138TH ASSEMBLY OF THE INTER-
PARLIAMENTARY UNION (IPU)**

(Sen. Susan Kihika, MP)

THAT, this House notes the Report of the 138th Assembly of the Inter – Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 22nd – 28th March, 2018 laid on the Table of the Senate on Thursday, 21st June, 2018.

Order deferred.

10. **MOTION – REPORT OF THE SENATE DELEGATION TO THE AFRICAN
PARLIAMENTARIANS’ NETWORK AGAINST CORRUPTION (APNAC)
CONFERENCE**

(Sen. (Dr.) Isaac Mwaura, MP)

THAT, this House notes the Report of the Senate Delegation to the African Parliamentarians’ Network Against Corruption (APNAC) Conference held in Ghana from 17th – 18th March, 2018, laid on the Table of the House on Tuesday, 19th June, 2018.

Order deferred.

11. **MOTION – REPORT OF THE 62ND SESSION OF THE COMMISSION ON THE
STATUS OF WOMEN**

(Sen. Abshiro Halake, MP)

THAT, this House notes the Report of the 62nd Session of the Commission on the Status of Women laid on the Table of the House on Tuesday, 17th July, 2018.

Order deferred.

12. **MOTION – REPORT OF THE 49TH SESSION OF THE AFRICAN CARIBBEAN
PACIFIC PARLIAMENTARY ASSEMBLY AND INTER – SESSIONAL MEETING**

(Sen. (Prof.) Margaret Kamar, MP)

THAT, this House notes the Report of the 49th Session of the ACP Parliamentary Assembly and Inter- Sessional meeting of the ACP-EU Joint Parliamentary Assembly held on 20th – 22nd March, 2018 in Brussels, Belgium, laid on the Table of the House on Tuesday, 31st July, 2018.

Order deferred.

13. **MOTION – REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE 2018 COMMONWEALTH GAMES**
(Sen. (Dr.) Alice Milgo, MP)

THAT, this House notes the Report of the Standing Committee on Labour and Social Welfare on the 2018 Commonwealth Games held in Gold-Coast, Australia from 4th to 15th April, 2018, laid on the Table of the Senate on Wednesday, 1st August, 2018.

Order deferred.

14. **MOTION – REPORT OF THE SENATE DELEGATION TO THE CONFERENCE ON ENHANCING THE ROLE OF PARLIAMENTARIANS IN THE INTERLINKAGE BETWEEN POPULATION ISSUES AND THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT**
(Sen. Fredrick Outa, MP)

THAT, this House notes the Report of the Senate Delegation to the Conference on Enhancing the Role of Parliamentarians in the Interlinkage between Population Issues and the 2030 Agenda for Sustainable Development, held in New Delhi, India from 13th – 15th September, 2017, laid on the Table of the House on Thursday, 2nd August, 2018.

Order deferred.

15. **MOTION - REPORT OF THE GLOBAL PARLIAMENTARY CONFERENCE (GPC) HELD AT THE WORLD BANK HEADQUARTERS**
(Sen. (Dr.) Abdullahi Ali, MP)

THAT, this House notes the Report of the proceedings of the Global Parliamentary Conference (GPC), held at the World Bank Headquarters, in Washington DC, United States of America from 16th to 17th April, 2018, laid on the Table of the House on Thursday, 12th July, 2018.

Order deferred.

And there being no other business on the Order Paper, the Temporary Speaker (Sen Judith Pareno) adjourned the Senate at five O'clock, without Question put, pursuant to the Standing Orders.

16. **SENATE ROSE** - at five O'clock.

MEMORANDUM

*The Speaker will take the Chair on
Tuesday, November 27, 2018 at 2.30 p.m.*

--x--