



**REPUBLIC OF KENYA**

**TWELFTH PARLIAMENT – SECOND SESSION**

**THE SENATE**

**VOTES AND PROCEEDINGS**

**THURSDAY, OCTOBER 25, 2018 AT 2.30 P.M.**

1. The Senate assembled at thirty minutes past Two O'clock.
2. The proceedings were opened with prayer said by the Temporary Speaker (Sen. (Prof.) Margaret Kamar).
3. **COMMUNICATION FROM THE CHAIR- VISITING MEMBERS AND STAFF OF MACHAKOS COUNTY ASSEMBLY WOMEN ASSOCIATION**

The Temporary Speaker (Sen. (Prof.) Margaret Kamar) conveyed the following communication from the Chair:-

“Honorable Senators,

I would like to acknowledge the presence, in the Speaker’s Gallery this afternoon, of visiting Members and staff of Machakos County Assembly Women Association.

I request each member of the delegation to stand when called out so that they may be acknowledged in the Senate tradition.

They are:

- |                               |                      |
|-------------------------------|----------------------|
| 1. Hon. Florence M. Mwangangi | - The Speaker/Patron |
| 2. Hon. Margaret Mwikali      | - Chairperson        |
| 3. Hon. Irene Mbivya          | - Secretary          |
| 4. Hon. Betty Nzisa           | - Treasurer          |
| 5. Hon. Agatha Mutunga        | - Member             |
| 6. Hon. Anastaciah Syomwai    | - Member             |
| 7. Hon. Constance Mbula       | - Member             |
| 8. Hon. Helen Ndeti           | - Member             |
| 9. Hon. Jacinta Luka          | - Member             |
| 10. Hon. Christine Koki       | - Member             |
| 11. Hon. Jane Nyawira         | - Member             |
| 12. Hon. Jacqueline Nziva     | - Member             |

13. Hon. Pauline Mene	- Member
14. Hon. Rozina Kanini	- Member
15. Hon. Alice Nzioka	- Member
16. Hon. Bernadette Mueni	- Member
17. Hon. Phoebe Koki	- Member
18. Hon. Angela Munyasya	- Member
19. Hon. Grace Mutwiwa	- Member
20. Hon. Winfred Mutua	- Member
21. Hon. Margaret Ndalana	- Member
22. Luiza W. Kamau	- Staff
23. Susan Kiluva	- Staff
24. Juliet Nthambi	- Staff

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

I thank you.”

#### 4. PAPERS LAID

The following Papers were laid on the Table of the Senate: -

- a) Report of the Auditor General on the Financial Statements of the County Assembly of Lamu for the year ended 30 June 2017;
- b) Report of the Auditor General on the Financial Statements of the County Assembly of Kilifi for the year ended 30 June 2017;
- c) Report of the Auditor General on the Financial Statements of the County Assembly of Mombasa for the year ended 30 June 2017;
- d) Report of the Auditor General on the Financial Statements of the County Assembly of Kwale for the year ended 30 June 2017;
- e) Report of the Auditor General on the Financial Statements of the County Assembly of Taita Taveta for the year ended 30 June 2017;
- f) Report of the Auditor General on the Financial Statements of the County Assembly of Tana River for the year ended 30 June 2017;
- g) Report of the Auditor General on the Financial Statements of the County Assembly of Homa Bay for the year ended 30 June 2017; and
- h) The Statement on the Business of the Senate for the week commencing Tuesday, 6<sup>th</sup> November, 2018.

*(The Senate Majority Leader)*

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

Nominated Senator (Sen. Abshiro Halake, MP), on behalf of the Senator for Baringo County (Sen. Gideon Moi, MP), requested for a statement from the Standing Committee on Finance and Budget on the County Recurrent Expenditure ceilings for the financial year 2017/2018.

**b) Statement Pursuant to Standing Order No. 52 (1)**

The Senate Majority Leader issued a statement on the business of the Senate for the week commencing Tuesday, 6<sup>th</sup> November, 2018.

6. **MOTION – USAGE OF SIGNING EXACT ENGLISH (SEE) AS A MODE OF INSTRUCTION FOR PERSONS WITH HEARING IMPAIRMENT**

Motion made and Question proposed:

THAT, AWARE that Article 43 (f) of the Constitution stipulates that every person has a right to education;

FURTHER AWARE that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the parties undertook to ensure that persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

ACKNOWLEDGING that hearing impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English;

COGNIZANT that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology to-

1. ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. develop SEE instructional materials for learners with hearing impairment;
3. work with linguists and researchers to develop sign language resources; and
4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

*(Sen. (Dr.) Getrude Musuruve, MP – 11.10.2018)*

Debate interrupted on Wednesday, 17<sup>th</sup> October, 2018 resumed;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 79 (1) the Temporary Speaker (Sen. Judith Pareno) informed the House that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY-**

THAT, AWARE that Article 43 (f) of the Constitution stipulates that every person has a right to education;

FURTHER AWARE that Kenya is among the State Parties that ratified the United Nations Convention on the Rights of Persons with Disabilities in which the parties undertook to ensure that persons with disabilities are not excluded from the general education system and that the education of persons, and in particular children, who are blind, deaf or deaf-blind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development;

ACKNOWLEDGING that hearing impaired learners have linguistic challenges and perform dismally in academics since all subjects other than Kiswahili and foreign languages are taught and examined in English;

COGNIZANT that hearing impaired learners who are educable can master the essentials of English language as they are able to sign sing the National Anthem in Signing Exact English (SEE);

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1. ensure that Signing Exact English (SEE) is used as a mode of instruction for persons with hearing impairment who are educable;
2. develop SEE instructional materials for learners with hearing impairment;
3. work with linguists and researchers to develop sign language resources; and
4. ensure that sign language linguistics is offered as a discipline in universities and teacher training colleges.

7. **MOTION - REPORTS OF THE STANDING COMMITTEE ON EDUCATION ON THE 20<sup>TH</sup> COMMONWEALTH EDUCATION MINISTERS CONFERENCE AND THE TVET CONFERENCE**

Motion made and Question proposed:

**THAT**, this House notes the Reports of the Standing Committee on Education on the 20<sup>th</sup> Conference of Commonwealth Education Ministers (20CCEM) held in Nadi, Fiji from 19-23 February, 2018 and the TVET Conference held in Victoria, Canada from 27<sup>th</sup> April – 2<sup>nd</sup> May, 2018, laid on the Table of the House on Thursday, 12<sup>th</sup> July, 2018 and Wednesday, 1<sup>st</sup> August, 2018 respectively.

*(Chairperson, Standing Committee on Education)*

Debate arising;

And there being no other Senator wishing to contribute;

Mover replied;

Before the Question was put and pursuant to Standing Order 79 (1) the Temporary Speaker (Sen. Judith Pareno) informed the House that the Motion did not affect counties.

Question put and agreed to.

**RESOLVED ACCORDINGLY-**

THAT, this House notes the Reports of the Standing Committee on Education on the 20<sup>th</sup> Conference of Commonwealth Education Ministers (20CCEM) held in Nadi, Fiji from 19-23 February, 2018 and the TVET Conference held in Victoria, Canada from 27<sup>th</sup> April – 2<sup>nd</sup> May, 2018, laid on the Table of the House on Thursday, 12<sup>th</sup> July, 2018 and Wednesday, 1<sup>st</sup> August, 2018 respectively.

8. **MOTION – REPORT OF THE SENATE DELEGATION TO THE INAUGURAL COMMONWEALTH PARLIAMENTARIANS’ FORUM**

THAT, this House notes the Report of the Senate Delegation to the Inaugural Commonwealth Parliamentarians’ Forum held at the Westminster Palace, London, United Kingdom from 26<sup>th</sup> February to 1<sup>st</sup> March, 2018 laid on the Table of the House on Thursday, 10<sup>th</sup> May, 2018.

*(Sen. Moses Kajwang’, MP)*

Order deferred.

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

**THAT**, this House notes the Report of the 138<sup>th</sup> Assembly of the Inter – Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland

from 22<sup>nd</sup> – 28<sup>th</sup> March, 2018 laid on the Table of the Senate on Thursday, 21<sup>st</sup> June, 2018.

*(Sen. Susan Kihika, MP)*

Order deferred.

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

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

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

Order deferred.

11. **MOTION – REPORT OF THE 62<sup>ND</sup> SESSION OF THE COMMISSION ON THE STATUS OF WOMEN**

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

*(Sen. Abshiro Halake, MP)*

Order deferred.

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

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

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

Order deferred.

13. **MOTION –REPORT OF THE STANDING COMMITTEE ON LABOUR AND SOCIAL WELFARE ON THE 2018 COMMONWEALTH GAMES**

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 4<sup>th</sup> to 15<sup>th</sup> April, 2018, laid on the Table of the Senate on Wednesday, 1<sup>st</sup> August, 2018.

*(Sen. (Dr.) Alice Milgo, MP)*

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**

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.

*(Sen. Fredrick Outa, MP)*

Order deferred.

15. **MOTION- REMEDIES FOR CLOSURE OF SCHOOLS DUE TO FLOODS & INSTANCES OF INSECURITY**

THAT, AWARE that Article 43(1)(f) of the Constitution of Kenya provides that every person has a right to education and Article 53(1)(b) of the Constitution states that every child has the right to free and compulsory basic education;

COGNIZANT that on 5<sup>th</sup> January, 2018 during the flagging off of national delivery of core course books for schools at Cemastea Karen, His Excellency the President Uhuru Kenyatta stated that his administration has focused on initiatives that ensure every Kenyan has access to quality education, so they can acquire appropriate skills and knowledge that make our country globally competitive;

FURTHER AWARE that recently the country has suffered floods in many parts of the country leading to deaths and people being displaced and rendered homeless;

DEEPLY CONCERNED that some schools have also remained closed even after other schools reopened while others have been closed as a result of floods and instances of insecurity;

FURTHER NOTING that closure of schools due to the said floods as well as insecurity places students and pupils in those schools at a disadvantage as they are unable to access education which is their right, while some of the students in those schools are expected to sit for their national exams at the end of the year and their performance risks being negatively affected by the lost time out of school;

NOW THEREFORE, the Senate resolves that the Committee on Education, investigates this matter with a view to: -

1. identifying strategies to ensure that the affected students are able to access education as soon as possible;
2. outlining preventative measures to ensure that more students are not affected by the floods and insecurity; and
3. Submitting a Report to the Senate within sixty (60) days outlining the short and long term strategies, that are being put in place to ensure that schools in flood and insecurity prone areas are not affected in the future.

*(Sen. (Arch.) Sylvia Kasanga, MP)*

Order deferred.

16. **MOTION – HUMAN WILDLIFE CONFLICT**

AWARE THAT tourism is amongst key sectors of Kenya's economy contributing billions of shillings to the country as well as generating employment and livelihoods to millions of citizens;

FURTHER AWARE THAT, Kenya is endowed with different wildlife species which contribute substantially to the national economy through tourism;

NOTING THAT, cases of human-wildlife conflict are on the rise as a result of many factors key among them climate change and encroachment on parks and nature reserves leading to deaths and maiming of people by wild animals;

FURTHER NOTING THAT there's need to create a conducive environment for peaceful coexistence of humans and wildlife in the same space given the importance of wildlife not only to our economy but to ecology as well;

CONCERNED that victims and families of victims of human-wildlife conflict are not being compensated for loss of lives, being maimed or loss of their means of livelihood due to failure of the Treasury to allocate adequate funds for this purpose contrary to the Wildlife Compensation Management Act, 2013;

FURTHER CONCERNED that the regions and communities hosting the wildlife are marginalized and do not benefit from the proceeds of tourism in their area;

NOW THEREFORE the Senate calls upon the National Government to-

1. Allocate adequate funds during the current financial year and subsequent years for compensation;
2. Ensure that victims and families of victims of human-wildlife conflict are always compensated within 90 days of submitting their claims; and
3. Come up with innovative ways of ensuring host communities benefit from the revenue accruing from wildlife tourism.

*(Sen. Johnes Mwaruma, MP)*

Order deferred.

17. **MOTION- ADJOURNMENT OF THE SENATE**

Motion made and Question proposed:

THAT, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 6<sup>th</sup> November, 2018.

*(The Senate Majority Whip on behalf of the Senate Majority Leader)*

Debate arising;



And there being no other Senator wishing to contribute, the Temporary Speaker (Sen. Judith Pareno) adjourned the Senate at twenty five minutes past Six O'clock without Question put pursuant to the Standing Orders.

18. **SENATE ROSE** – at twenty five minutes past Six O'clock.

**M E M O R A N D U M**

*The Speaker will take the Chair on  
Tuesday, November 6, 2018 at 2.30 p.m.*

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