



**REPUBLIC OF KENYA**  
**TWELFTH PARLIAMENT – (SECOND SESSION)**

**THE SENATE**

**ORDER PAPER**

**THURSDAY, DECEMBER 06, 2018 AT 2.30 PM**

**PRAYERS**

1. Administration of Oath
2. Communication from the Chair
3. Messages
4. Petitions (as listed in the appendix)
5. Papers (as listed in the appendix)
6. Notices of Motion (as listed in the appendix)
7. Statements (as listed in the appendix)
8. **\*\*\*THE COUNTY GOVERNMENTS RETIREMENT SCHEME BILL (NATIONAL ASSEMBLY BILLS NO. 10 OF 2018)**  
(Senate Majority Leader)

*(Second Reading)*

*(Resumption of debate interrupted on Wednesday, 5<sup>th</sup> December, 2018)*

9. **MOTION – THE FIDUCIARY RISK REPORT OF THE SESSIONAL COMMITTEE ON COUNTY PUBLIC ACCOUNTS AND INVESTMENTS**

(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, 14<sup>th</sup> November, 2018.

10. **MOTION - REPORT OF THE STANDING COMMITTEE ON FINANCE AND BUDGET ON THE COUNTY GOVERNMENTS' INFRASTRUCTURE PROJECTS**

(Chairperson, Standing Committee on Finance and Budget)

**THAT**, this House adopts the Report of the Standing Committee on Finance and Budget on the County Governments' infrastructure projects comprising County Executive Headquarter offices, Assembly Chambers and offices and County State officers' residences, laid on the Table of the Senate on Thursday, 29<sup>th</sup> November, 2018.

...../Motion

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

(Sen. Susan Kihika, MP)

**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.

12. **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 13<sup>th</sup> – 15<sup>th</sup> September, 2017, laid on the Table of the House on Thursday, 2<sup>nd</sup> August, 2018.

13. **MOTION – REPORT OF THE SENATE DELEGATION TO THE 39<sup>TH</sup> ANNUAL FORUM OF PARLIAMENTARIANS FOR GLOBAL ACTION**

(Sen. Mutula Kilonzo Jnr., MP)

**THAT**, the Senate notes the Report of the Kenya delegation to the 39<sup>th</sup> Annual Forum of Parliamentarians for Global Action laid on the Table of the House on Thursday 11.10.2018.

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

(Sen. Abshiro Halake, MP)

**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.

15. **MOTION** - (The Senate Majority Leader)

**THAT**, pursuant to Standing Orders 28 and 29, the Senate do adjourn until Tuesday, 12<sup>th</sup> February, 2019.

...../Notice

**NOTICE**

The Senate resolved on 14<sup>th</sup> February, 2018 as follows:-

- a) **THAT**, pursuant to Standing Order 106 (1), the Senate resolves that debate on a Motion not sponsored by the Majority or Minority Party or a Committee shall be limited in the following manner:-

A maximum of three hours with not more than twenty minutes for the Mover, twenty minutes for the Majority Party Official Responder, twenty minutes for the Minority Party Official Responder and fifteen minutes for each other Senator speaking and that fifteen minutes before the time expires, the Mover shall be called upon to reply.

- b) **THAT**, notwithstanding the provisions of Standing Order 106 (4), the debate on any Motion for the adjournment of the Senate to a day other than the next normal sitting day in accordance with the calendar of the Senate shall be limited to a maximum of two hours with not more than fifteen minutes for each Senator speaking after which the Senate shall adjourn without question put;

Provided that when the period of recess proposed by any such Motion does not exceed nine calendar days, the debate shall be limited to a maximum of thirty (30) minutes, and shall be confined to the question of adjournment.

**KEY**

**\*\*\*\*** - Denotes a Majority/Minority Party Bill

**\*\*\*** - Denotes a National Assembly Bill

**\*\*** - Denotes a Committee Bill

**\*** - Denotes any other Bill

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APPENDIX

1. PETITION

Petition to the Senate by residents of Kitui County concerning non-payment by the County Government of Kitui of pending bills incurred during the Financial Year 2015/2016.

*(Sen. Enoch Wambua, MP)*

2. PAPER

Report of the 139<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 14<sup>th</sup> -18<sup>th</sup> October 2018.

*(Sen. Susan Kihika, MP)*

3. NOTICES OF MOTION

(i) FACILITATION FOR BOARDING SCHOOL EDUCATION FOR CHILDREN WITH DISABILITIES.

*(Sen. Susan Kihika, MP)*

**AWARE THAT**, learners with special needs and disabilities in Kenya experience many challenges in accessing affordable, and inclusive education;

**COGNIZANT THAT**, Article 54(1)(b) of the Constitution stipulates that a person with any disability is entitled to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;

**MINDFUL THAT**, Article 24 (2) of the Convention on the Rights of Persons with Disabilities (CRPD) states that parties shall ensure that persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

**UNDERSTANDING THAT**, challenges to obtain an education are even bigger to children with disabilities as they struggle to not only to get a quality education, but to gain access to educational facilities as the cost of commuting to and from school is high, while the cost of boarding schools remains one of the greatest barriers;

**NOTING THAT**, the distance to and from school can be prohibitive, and the cost of using public transport is often beyond the means of many families, coupled with concerns over the safety of children with disabilities travelling alone to school;

**CONCERNED THAT**, poor physical environment of most schools combined with the teachers having little knowledge of disability issues, results in many disabled children not attending school at all, and those who are enrolled in school are far more likely than their nondisabled peers to drop out mainly due to the fact that disabled children do not receive the amount and type of attention that they need in order to be able to successfully complete their education;

...../Appendix

**NOW THEREFORE**, the Senate resolves to compel the Ministry of Education in collaboration with the National Treasury and stakeholders to implement the National Special Needs Education Policy framework, and the Education Sector Policy for Learners and Trainees with Disabilities within the scope of the Convention on the Rights of Persons with Disabilities (CRPD) with an aim of:

- a. developing a blueprint to ensure adequate resource allocation and infrastructural planning, expansion and implementation for the provision of free, quality inclusive education and accommodation for children with disabilities in mainstream schools, that can be replicated in all 47 counties;
- b. employing more technical disability-related staff such as sign language interpreters, physiotherapists and braille transcribers to provide support in and out of the classroom to learners with disabilities;
- c. developing curricula to train and empower teachers and school staff to cope with the specific needs for learners with disability who are boarders; and,
- d. creating community led peer to peer groups such as parent associations, father to father groups, and child to child clubs with the aim of breaking down misconceptions and myths surrounding disability issues, and reversing the associated stigma.

(ii) **ESTABLISHMENT OF COMPREHENSIVE CARE UNITS IN HEALTH FACILITIES TO CATER FOR VICTIMS OF SEXUAL AND GENDER BASED VIOLENCE**  
 (Sen. Falhada Iman, MP)

**THAT, AWARE THAT** Article 29 of the Constitution guarantees every person the right to freedom and security, including the right not to be subjected to any form of violence or torture,

**AND AWARE THAT**, Article 43 guarantees every person economic and social rights such as the right to the highest attainable standards of health, including the right to health care services, and reproductive health care;

**FURTHER AWARE** that, the country has enacted various legislative and policy measures to address sexual and gender-based violence, including the Sexual Offences Act, No. 3 of 2006, the Children’s Act, No. 8 of 2001, the Protection Against Domestic Violence Act, No. 2 of 2015, and the National Health Sector Standard Operating Procedures on the Management of Sexual Violence in Kenya of 2014;

**COGNIZANT THAT**, in addition to various pieces of legislation Kenya has ratified and domesticated various conventions, treaties and other international instruments addressing sexual and gender based violence;

**CONCERNED THAT**, despite the existence of an extensive legal framework, many of the victims of sexual and gender based violence do not report these cases, leading to a low conviction rate and lack of co-ordination between health facilities and other agencies involved in mitigating sexual and gender based violence;

**DEEPLY CONCERNED THAT**, there are no designated care units in public health facilities to deal with sexual and gender based violence victims;

**NOTING THAT**, sexual and gender based violence is mostly perpetrated against women of all ages and across the social strata impacting their self respect, dignity, privacy and health, and resulting in unwanted pregnancies, unsafe abortion, sexually transmitted infections, genital injuries, infertility, pelvic inflammatory diseases and even loss of life;

**FURTHER NOTING THAT** with appropriate medical attention, the undesirable consequences of sexual and gender-based violence can be mitigated in addition to assisting in collection and preservation of evidence for purposes of prosecuting the perpetrators;

**NOW THEREFORE** the Senate calls upon the Ministry of Health, in collaboration with the county governments, to:

1. establish and adequately equip sexual and gender-based violence care units in all public health facilities;
2. provide treatment and counseling services to victims of sexual and gender-based violence free of charge in all public health facilities;
3. put in place co-ordination mechanisms between health facilities and other agencies involved in addressing sexual and gender-based violence.

(iii) **REPORT OF THE 139<sup>TH</sup> ASSEMBLY OF THE INTER-PARLIAMENTARY UNION (IPU) AND RELATED MEETINGS**

(Sen. Susan Kihika, MP)

**THAT**, this House notes the Report of the 139<sup>th</sup> Assembly of the Inter-Parliamentary Union (IPU) and related meetings held in Geneva, Switzerland from 14<sup>th</sup>-18<sup>th</sup> October 2018 laid on the Table of the Senate on 5<sup>th</sup> December, 2018.

4. **STATEMENTS**

**(i) Statements Pursuant to Standing Order No. 48(1)**

- a) Nominated Senator (Sen. Sen. Judith Pareno, MP) to seek a statement from the Standing Committee on Energy on vandalism of electricity transformers serving schools and community projects in Kajiado County;
- b) Nominated Senator (Sen. Judith Pareno, MP) to seek a statement from the Standing Committee on Roads and Transportation on the status of Kajiado-Mashuuru-Isara Road in Kajiado County;
- c) The Senator for Turkana County (Sen. Imana Malachy Ekal, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on the invasion and take – over of a Constituency Development Fund, National Government Project, namely the Kapetadiye dam, by pastoralists from a neighbouring country;

...../Appendix

- d) The Senator for Turkana County (Sen. Imana Malachy Ekal, MP) to seek a statement from the Standing Committee on National Security, Defence and Foreign Relations on the raid and stealing of livestock by suspected bandits in Kaakongu, Turkana County;
- e) The Senator for Bungoma County (Sen. Moses Wetangula, MP) to seek a statement from the Standing Committee on Roads and Transportation regarding the transfer of the management and operations of the Jomo Kenyatta International Airport to the Kenya Airways Limited.

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

- a) The Chairperson, Standing Committee on Health to issue a statement on the Universal Healthcare (UHC) Programme;
- b) The Chairperson, Committee of Powers and Privileges to issue a statement relating to the activities of the Committee;
- c) The Chairperson, Procedure and Rules Committee to issue a statement relating to the activities of the Committee;
- d) The Chairperson, Liaison Committee to issue a statement relating to the activities of the Committee;
- e) The Chairperson, Senate Business Committee to issue a statement relating to the activities of the Committee.

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

The Senate Majority Leader to issue a statement on the business of the Senate for the week commencing Tuesday, 12<sup>th</sup> February, 2019.

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